

AMERICA'S WAR ON DRUGS (AND DRUG ADDICTS):  
A FOUCAULDIAN HISTORY

by

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## Abstract/Keywords

This thesis applies some teachings and methods of Michel Foucault (1926-1984) to critically analyze the history and current practices related to the United States' "War on Drugs." By tracing the history of the Drug War and placing drugs and drug addicts in a less hyperbolized context than traditionally presented in the media and in drug war propaganda, it is possible to critique what can be seen as a war on drug addicts and to gain insight as to its hidden motives, relevant patterns, social implications and ultimately its effect on American culture and society and notably its deleterious effects among America's people of colour and urban communities. With respect to Foucault's concept of a race war and the notion that "politics is the continuation of war by other means," the War on Drugs can be contextualized in terms of a discourse of perpetual war that rages even in times of putative peace.

## Keywords

Drug prohibition, war on drugs, American Dream, addictions, Foucault

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*Dedicated to my grandparents, with sincere gratitude:*

*'Twas in another lifetime, one of toil and blood.*

*When blackness was a virtue, the road was full of mud.*

*I came in from the wilderness, a creature void of form:*

*'Come in', you said, 'I'll give you shelter from the storm'*

- *Bob Dylan*

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# Chapter One: Method and Purpose

## 1.1 Introduction

In 1971, President Richard Nixon reaffirmed his commitment in America's War on Drugs, ushering in a new era in an old and arguably ill-conceived and ineffective quest to rid America of the scourges of drug abuse. He addressed the nation on June 17<sup>th</sup>, saying: "America's public enemy number one in the United States is drug abuse. In order to fight and defeat this enemy, it is necessary to wage a new, all-out offensive" (The American Presidency Project). By doing so, he was setting the stage for what continues to this day: a crusade spanning over four decades, costing more than \$1 trillion and having been responsible for over 45 million arrests. In a nation that holds within its borders only 5% of the world's population, over 25% of the world's prison population is incarcerated in the United States (Jarecki "Press kit" 5). This increase in incarceration has caused a nation that's billed itself as "the land of the free" since its inception to now lock up more of its people than any other country in the world:

The impact of the drug war has been astounding. In less than thirty years, the U.S penal population exploded from around 300,000 to more than 2 million, with drug convictions accounting for the majority of the increase. The United States now has the highest rate of incarceration in the world, dwarfing the rates of nearly every developed country, even surpassing those in highly repressive regimes like Russia, China, and Iran. In Germany, 93 people are in prison for every 100,000 adults and children. In the United States, the rate is roughly eight times that, or 750 per 100,000 (Alexander loc. 224).



According to the press kit for Eugene Jarecki's drug-war documentary *The House I Live In*, "there are more people behind bars for nonviolent drug offenses than were incarcerated for *all* crimes, violent or otherwise, in 1970" (5).

As Michelle Alexander points out in *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, this earnest offensive began in response to *declining* rates of drug use, which would seem counterintuitive in hindsight. Additionally she highlights a curious and "odd coincidence that an illegal drug crisis suddenly appeared in the black community after—not before—a drug war had been declared" (loc 224).

So, forty years after Nixon's reaffirmation of a war that began another forty years before that, virtually all prominent media outlets would argue that the end has not justified the means in terms of this "war on drugs," which is more of a war on drug *addicts*. A survey of recent reports on the War on Drugs shows an important consensus: the war on drugs has failed. The BBC reports that "Illegal drugs are now cheaper and purer globally than at any time over the last 20 years" and cites a report from the International Centre for Science in Drug Policy that proclaimed "findings suggest that expanding efforts at controlling the global illegal drug market through law enforcement are failing" (British Broadcasting Corporation "War on illegal drugs"). Al Jazeera reports on findings that suggest that "The "war on drugs" has failed to curtail the \$350 billion annual trade in illegal narcotics over the last 20 years as the price of drugs has declined while potency has increased" (Serrano).

A CNN article by Adrian Grenier of the HBO show *Entourage*, who produced a documentary called *How to Make Money Selling Drugs* claims that his documentary sought to "examine the hypocrisy of the war on drugs. Billions of dollars are wasted targeting, arresting and imprisoning mostly poor people and minority groups, when rates of drug use are about the

same across racial lines”. Additionally, he cites a Duke University study which reports that “young black people are arrested for drug crimes 10 times as often as young whites, even though they use illegal drugs less often” (Grenier). Furthermore, the CBC quotes Dr. Evan Wood, the Canada Research Chair in Inner City Medicine at UBC as saying “By every metric, the war on drugs has failed,” and that “The bottom line is that organized crime's efforts to succeed in these markets has flourished, and the criminal justice system's efforts to contain these markets has really been quite remarkably unsuccessful” (Canadian Press).

There appears to be a general consensus that the war on drugs has failed, indeed a person would be hard pressed to find any credible evidence that to pay such a steep cost of human life and resources only to ultimately have drugs more readily available and only to have created a more lucrative underground economy could be counted as “winning the war,” even while destroying the lives of addicted individuals and their families, and using the for-profit prison-industrial complex to perpetuate a system whereby individuals wear the mark of their incarceration long after they are released and are unable to find gainful employment and unable to break out of the proverbial vicious circle of poverty, crime and drug abuse (Alexander).

This project initially started as inquiry into this phenomenon which I first responded to with astonishment, disbelief and anger at what seemed like an illogical response to the presence of drugs and of addicts in our society. I’d always felt as though there were so many ways of conceiving of the notion of “drugs” beyond the popular “Just Say No” refrain, the fear and agony associated with drugs and addiction and the overblown hyperbole about these substances and the people who used them. I was interested in narratives that involved drugs, in the manic hallucinogenic frenzy of Thompson’s *Fear and Loathing in Las Vegas* and in the sad yet sickly comical/satirical tone of Boyle’s film *Trainspotting*. I was simultaneously compelled and

repulsed by the stark and relentless images of drugs and addiction presented with visual intensity juxtaposed alongside depictions of the shocking, gritty consequences in Aronofsky's adaptation of *Requiem for a Dream*. I was captivated when Jarecki's documentary *The House I Live In* displayed images of the War on Drugs being waged by President Nixon, the effects of the Prison Industrial Complex in the African American community and in the criminal justice system. I had the opportunity to see in the film so many of the sources I have gone on to use in this thesis speak with great clarity and to great effect on the many facets of this topic: Michelle Alexander, author of *The New Jim Crow* speaking of mass incarceration, Gabor Maté who wrote *In the Realm of Hungry Ghosts* (and who I had the chance to meet) describing addiction and David Simon who created the television powerhouse *The Wire* described the drug war as "a holocaust in slow motion" (Jarecki). Finally, in Jarecki's documentary, journalist and author Charles Bowden bluntly said: "you have to understand that the war on drugs has never been about drugs" (Jarecki, *The House I Live In*).

Because this topic spans many disciplines, thinkers and discursive domains, I sought a way of conceptualizing this war. If it wasn't about drugs, what was it about? I set about using an interdisciplinary framework to conceptualize this war: its origin and its history. As well, I wanted to contextualize drugs in a way that accounts for the importance of drugs in our collective consciousness and indeed in our society.

## 1.2 Method: Applying Foucault – History, Genealogy and Discourses

I soon settled on using the work of Michel Foucault as a lens through which to conceptualize, contextualize and comprehend this phenomenon. Because Foucault dealt with ways of exploring history, modes of analyzing types of discourse and models for understanding

society's institutions including prisons and the domain of mental health, his method helped me to situate the war on drugs at a critical juncture between a type of discourse that focusses on the prisoner (as expounded upon perhaps most notably in *Discipline and Punish*) and of the mentally ill (using observations from Foucault's *History of Madness* and the condensed *Madness and Civilization*). In addition to his book-length analyses of society's institutions and the ways in which they exert power over or normalize their subjects, my specific research questions and areas of inquiry converged around his later lecture series *Society Must Be Defended*, which spoke of issues related to race and racism and expounded on the notion of "race war".

A pattern that has emerged is the intersection of drugs and popular culture and more specifically the motif of "The American Dream" that resonates within works that involve individuals and drugs. As the story of the drug war is told and products of popular culture involving drugs are analyzed, the idea of the American Dream – being the overarching belief that one can start with nothing in the United States and become successful, wealthy or even just content – is held up to criticism and parody in many forms. Indeed, the notion of perpetual disadvantage in what is supposed to be a "land of opportunity" and the "land of the free" being the world leader of incarceration does its part to turn this notion on its head, and creates what Foucault refers to as "disruptive parody," which he identifies as important for critique and for formulating a model for "effective history" (Roth 16:00) that Foucault incorporated into his historical method, which he called "genealogy".

Foucault has been recognized as the most cited author in all of the humanities (Times Higher Education). He was controversial in his time and has come to offer a great deal of insight into how we trace the development and the organizations of our thoughts and knowledge as a society. This includes how we identify as individuals (or subjects), how power relations come to

shape our institutions and how these institutions produce and normalize specific types of individuals through concepts such as the “medical gaze” and the “punitive society”. For Foucault, historical discourse operates through a nuanced interplay of power and knowledge relations that shape the systems of thought for a generation of individuals or even a period of history. Foucault’s title as a lecturer at the Collège de France, a post which he held from 1970 to his death in 1984 was that of a “historian of systems of thought” (Le Collège de France). He called these specifically denoted modes of thought *épistèmes*.

In terms of historical inquiry, he used tools such as “archaeology,” strongly tied to discourse analysis, and “genealogy” which was connected with historical critique and included more active political engagement and specific explorations of power and knowledge and social control. In *The Archaeology of Knowledge* (1969) Foucault describes archaeology as a means of performing discourse analysis that seeks to account for ideas and thought patterns that would have been possible or impossible in the time period in which these discourses occur: in this way the “archaeologist” seeks to question “teleologies and totalizations” (16) and to continue an exploration for the conditions of knowledge and the possibility of thought. To ask “why this enumeration rather than another?” (43) and to look at what would or would not have been possible to conceive of during a given knowledge-system paradigm (*épistème*). He notes that instead of accepting a linear vision of history one must look for discontinuities in the narrative that dispense with a sense of inevitable causality in favour of a more multi-faceted understanding of events and time periods. In the preceding work *The Order of Things*, he mentions the concept of “the stark impossibility of thinking *that*” which emerges from the “exotic charm of another system of thought” (Foucault, OT xv) which is the idea that in one given *épistémé*, certain things that would be considered thinkable at one time would be unthinkable in another *épistémé*,

whether as an idea ahead of its time, or, in retrospect one that would be considered to be on the wrong side of history. In this way, we can contextualize thoughts and ideas themselves, and, indeed *systems of thought* alongside the dominant mindsets of the day and offer us a richer perspective for analysis.

He posits that in a given time period, all histories are written from within their *épistèmes*, time periods within which it was possible or impossible to consider things a certain way. For instance, we may not be able to fathom treating the mentally ill any different than we do today and we may think that fields of psychology and psychiatry have represented the way in which individuals have always been perceived and treated (or, failing that not consider this at all and only accept the current configurations). Foucault demonstrates that in a different time period, treating people as we currently do would be as incompatible as setting them adrift on a “ship of fools” (Foucault, HM loc. 761) or considering their mental illness a side-effect of moral failing or witchcraft (Foucault, HM loc. 2454). At the same time, these ideas represent two previously acceptable lenses through which to view psychopathological phenomena. Foucault’s analysis of discursive regularities and the limits of *épistèmes* call upon us to reimagine the thinkable and the unthinkable based on a specific period of time. His work on mental illness (*History of Madness* which was abridged as a much shorter work called *Madness and Civilization*) and medicalization (*The Birth of the Clinic*) are two notable examples of Foucauldian archaeology and discourse analysis.

Some of Foucault’s major areas of research included psychopathology, medicine and social control. All three have to do with institutionalization, power relations and to large extent normalization and what it means to live in a normalizing society, alternately referred to as a punitive society. As his methodology shifted from archeology to genealogy, he began to engage

much more directly with respect to the relationship between power and knowledge, and his work included more direct political and historical critique.

Foucauldian genealogy means looking critically at accepted narratives and at history itself and subverting it along the way. Instead of looking at history as a linear narrative, challenging conventional wisdom with discontinuity allows one to look more deeply at an issue and more effectively critique it.

Foucault went on to spend the 1970's shifting his focus from the method of archaeology to that of genealogy. It is during this time period that Foucault began to employ this newer method in earnest, especially in *Discipline and Punish*, referred to as being his "only one clear sustained use of the genealogical method" (Gutting, Introduction 44). It is interesting to note the change in Foucault's work in this period because it occurred both in his published work and in his lectures at the Collège de France which ran concurrently during this time. Being able to peruse Foucault's lectures allows one to experience another dimension of this thought, and "reveal a side of Foucault with which many devoted readers of the philosopher would be unfamiliar" and in a way that presents

Foucault's thought at a very high resolution. They allow us to observe an evolution that is taking place at the scale of weeks and months rather than years. In so doing, they eliminate the gaps that had plagued our knowledge of the philosopher, a service that is particularly vital for the early and late 1970s, periods in which Foucault produced no books, but that were nevertheless immensely fruitful for the philosopher. (Paras 3).

Being able to trace the development of Foucault's thoughts as they happened between his book-length works sheds light on his ideas as they were developed. The compilation, release and

translation of the *Lectures at the Collège de France* that has occurred within the past decade have allowed this exploration to take on a new dimension. Combining Foucault's more refined, edited, published book-length works with his lectures which as Paras noted are more contemporaneous help to fill in the blanks between different periods in his oeuvre, and reveal shifts in his research and thought. Moreover, the addition of these invaluable resources allow for a different sort of exploration. Just ten short years ago this huge contribution of Foucault's research and work would either not have been published or not available in English. Thus, the fortuitous timing of this study, in 2013-14, has allowed for entirely new conditions of knowing, and possibilities of thinking that have greatly enriched its inquiry.

This study of the war on drug addicts in the United States labels itself Foucauldian in a way that takes as its aims the foundational goals of the method of genealogy. Aside from his early publication *The Archaeology of Knowledge*, Foucault did not write another direct treatise on his methodology as it shifted. Many have attempted to delineate just what his methodology was and have encountered difficulties. For instance, there is much debate over whether the piece "Nietzsche, Genealogy, History" ("NGH") is Foucault expounding on his genealogical method or simply writing an *explication de texte*, in the French tradition: a concise summary of Nietzschean genealogy rather than a clear description of the method in Foucault's own scholarship. Gutting maintains that "we cannot simply assume – as many critics and commentators have – that Foucault endorses every formulation of this essay (Gutting, Introduction 44). However, parts of "NGH" are useful insofar as they elucidate ideas on genealogy that are echoed in the lectures that occurred contemporaneously and in the text of his best-known employment of the genealogical method: *Discipline and Punish*.



Perhaps most famously, Foucault declares: “knowledge is not made for understanding; it is made for cutting” (Foucault, "NGH" 88). He posits that:

History becomes “effective” to the degree that it introduces discontinuity into our very being – as it divides our emotions, dramatizes our instincts, multiplies our body and sets it against itself. “Effective” history deprives the self of the reassuring stability of life and nature...It will uproot its traditional foundations and relentlessly disrupt its pre-tended continuity (Foucault, "NGH" 88).

Derek Hook proffers discussion evaluating the two distinct Foucauldian methods (archaeology and genealogy) and contrasts foci of “discourse analysis” and “effective history,” ultimately deciding that genealogy is well-suited as a “mode of critique” (Hook 4) and calls Foucault’s aforementioned essay “Nietzsche, Genealogy, History” a “revitalization of Nietzsche’s genealogical approach” (4). This is in contrast to Gutting’s misgivings that the piece may have been simply a description of Nietzschean genealogy and not a statement on Foucauldian methodology. Hook goes on to describe genealogy as a “methodology of suspicion and critique” (4) whose “overall function is to oppose the centralizing *power-effects* of institutional knowledge and scientific discourse” (Hook 6)[Hook’s emphasis]. By opposing institutional knowledge and scientific discourse one is then able to “produce counter-intuitive ways of seeing, to enforce an awareness that things have not always been as they are” (7) and to “produce an awareness of the complexity, contingency, and fragility of historical forms” (Smart qtd. in Hook 7). Moreover, “a ‘genealogical sensibility’ exhibits a pronounced wariness towards sanctioned means of analysis and explanation. It encourages the cultivation of scepticism [sic] towards that which is taken-for-granted, assumed to be ‘given’, or natural within contemporary

social existence” (Hook 7). Hook goes on to find genealogy a more robust form of critique because of its direct engagement with the political and corporeal and its focus on power/knowledge relationships.

Roth summarizes Foucault’s essay “NGH” in his video lecture *A Critical Introduction to Foucault* by naming the three uses of ‘effective history’ insofar as it creates a disruptive parody of traditional history, the systematic dissociation of an identity and the extent to which these efforts undermine a knowing subject (Roth 16:00). Similarly, Foucault summarizes his subversive purpose:

The successes of history belong to those who are capable of seizing these rules, to replace those who had used them, to disguise themselves so as to pervert them invert their meaning, and redirect them against those who had initially opposed them; controlling this complex mechanism, they will make it function so as to overcome to rulers through their own rules (Foucault, "NGH" 86).

By understanding the patterns and functions of history, one is then able to unravel the carefully-packaged narrative and understand a topic in a deeper sense. He notes that the objective of genealogy (at least in the Nietzschean sense) is to create something “parodic” and “dissociative” (93), ultimately seeking “the liberation of man by presenting him with other origins than those in which he prefers to see himself” (96). This is characteristic of his way of thinking critically about established histories and narratives, and speaks to the aim of dissociating the role of the individual in the war on drugs and undermining the knowing subject of the addict. Works that will be analyzed in this thesis are examples of the disruptive parody that holds the War on Drugs

and the American Dream itself up for ridicule, showing that it is quickly becoming an idea of the past.

Foucault speaks briefly with respect to his own methods of genealogy in the opening remarks to his 1975-76 series of lectures entitled “*Society Must Be Defended*,” saying that he hopes to work specifically with “local knowledges,” for Foucault this refers to knowledge that has been “disqualified as nonconceptual,” “insufficiently elaborated,” “hierarchically inferior” and “below the required level of erudition or scientificity” (Foucault, SMBD 7) and contends that genealogy refers to “this coupling together of scholarly erudition and local memories, which allows us to constitute a historical knowledge of struggles and to make use of that knowledge in contemporary tactics” (8) and finally he says: “genealogy is, then a sort of attempt to desubjugate historical knowledges, to set them free, or in other words to enable them to oppose and struggle against the coercion of a unitary, formal and scientific theoretic discourse” (10) followed by one of Foucault’s few rare, clear statements about method:

to put it in a nutshell: Archaeology is the method specific to the analysis of local discursivities, and genealogy is the tactic which, once it has described these local discursivities, brings into play the desubjugated knowledges that have been release from him. That just about sums up the overall project” (SMBD 11).

Further, in expressing the aims of his newly-founded *Groupe d’Information sur les Prisons (GIP)*, Foucault notes that their objective would be to “literally give voice to the prisoners. It is not our intention to do the work of a sociologist or reformer. It is not proposing an ideal prison,” posing the questions “what is so perilous, then, in the fact that people speak, and that their speech proliferates? Where is the danger in that?” (qtd. in Schrift 138). He also raises

the hypothesis that “in every society the production of discourse is at once controlled, selected, organized and redistributed by a certain number of procedures, whose role is to ward off its powers and dangers, to gain mastery over its chance events, to evade its ponderous, formidable materiality” (qtd in Schrift 139).

This thesis seeks to desubjugate knowledge about the beginnings and continuation of the drug war, to critically interpret a practice that has come to be accepted as normal, and to a generation of individuals who have grown up with drug prohibition and addict demonization, as *the way things have always been*. The methods of production of discourse have included drug war propaganda, presidential rhetoric, the propagation of moral panic which in turn prompted legislative action that has been difficult or near impossible to reverse or rectify. My interest in the drug war was born out of a curiosity as to how Foucault’s framework may provide critical insights to America’s ongoing war on drug addicts, if he’d been given the opportunity to analyze the policy decisions and the propaganda forty years on. However, we never were treated to a direct or full analysis of a topic that pertains directly to many of Foucault’s ideas and much of his research because of his untimely death thirty years ago.

In the preface to the 1961 edition of *History of Madness*, Foucault writes that he maintained only one rule and method, one that he takes from René Char, where he maintains that “the definition of the most pressing and the most contained truth can be read: ‘I removed from things the illusion they produce to protect themselves from us, and I left them the part that they concede us.’” (Foucault, HM loc. 598)

Beginning by stripping away the paranoia and hysteria surrounding drugs and those who use them and by digging beneath established narratives, an origin (another term with which Foucauldian genealogy concerns itself) of the war on drug addicts and the social conditions it has

created emerges, demonstrating that the practice of drug prohibition began by exploiting otherness and that it continues to be fuelled by creating fear and hate towards individuals of other races, other socioeconomic statuses and other circumstances.

Above all, this thesis is interested in the many angles of Foucauldian scholarship that apply to this topic of the War on Drugs. When one considers that a great deal of his works, both the archeology on madness (*History of Madness* and its condensed version *Madness and Civilization*) and his genealogy on prisons (*Discipline and Punish*) refer to the ways in which individuals are excluded from society and the measures in place that allow that to be established and to continue, we see two distinct forms of discourse: that of the prisoner and that of the patient. Much of Foucault's work on madness which gave rise to the treatment of the mentally ill and the intersection of morality and social exclusion can be applied to the addict, and gives way to an analysis of the ways in which the addict, a new form of excluded "Other" or enemy in a war, can come to occupy the space that Foucault describes was once occupied by lepers in lazarettos, the mad in asylums and the poor in workhouses. On the other side of it, his observation of prisons, written almost 40 years ago and including many historical quotations and critiques of the system written at the start of the 19<sup>th</sup> century presents an especially valid framework for investigating the current penal practices of mass-incarceration in the age of the for-profit prison industrial complex. Finally, his conception of "race war" in "*Society Must Be Defended*" helps to account for a practice that has been, since its inception, heavily racialized and of large impact to disadvantaged communities for as long as this war has been raging in the streets and in the prisons of America.

In order to find the origins of drug prohibition, one needs to look further than Nixon's 1971 declaration of the war on drugs. By the time President Nixon publicly vowed to crack down

on America's public enemy forty years ago, a war had been raging for almost another forty years before that, one that was contemporary with America's prohibition of alcohol in the 1920s. Alcohol prohibition began in 1920 with the 18<sup>th</sup> Amendment to the Constitution and was repealed in 1933 with the 21<sup>st</sup> Amendment to the Constitution. The prohibition of marijuana rose to prominence in the mid-late thirties and continue to this day, largely due to the efforts of Harry J. Anslinger who could arguably be seen as America's first "drug czar," and if the period of the 1970s-present represent a *war on drugs* in the sense that rhetoric and resources are employed and that a war is being fought on the streets of America, Anslinger's initial efforts at drug prohibition would best be described as "The Drug Crusade" – an overzealous attempt by a few ardent lawmen to criminalize vice and demonize drug use.

### 1.3 Purpose

Since documentation of the failure of the war on drugs is readily available, this thesis does not aim to repeat something that has been proved. In fact, here the argument is somewhat different – that while the drug war has failed to control the flow of narcotics and failed to keep the incredible profit of drugs away from the people at the highest echelons of illegal drug empires and has indeed caused the flow and profits of drugs to skyrocket, it is achieving its hidden goal fairly well, operating as a power mechanism, filling for-profit prisons and for a time deflecting the blame from urban poverty to drugs instead of to policy or inherent societal problems based on racism or classism.

Assuming what Bowden says is correct, that "the war on drugs has never been about drugs," this thesis seeks to find more insidious motives, effects and consequences related to contemporary drug prohibition and mass incarceration. From the early days of Anslinger's

crusades to the current-day war on drugs, this thesis explores drug prohibition origins, legislation, the social implications and the significant literary and cultural products that have emerged from various time periods of drug prohibition and addict demonization. From the presidents to the prisoners, the authors and the addicts (who were in all fairness sometimes the same people) and the chemical-biological realities of the drugs themselves and their effects on our bodies – this interdisciplinary study of the modern drug war ultimately frames it in Foucauldian terms as a “race war” – incorporating concepts throughout Foucault’s various works in an attempt to understand America’s War on Drug Addicts in new and unique terms. The intent in this thesis is certainly not to advocate the use of drugs. Most substances that individuals use in their quest to find intoxication, either recreationally or due to an addicted compulsion are poor for the health of an individual and have devastating consequences for a person’s body, mind and family and can and do ruin lives. One notable exception to this may be marijuana, because there remains controversy as to whether it is in itself addictive or lethal. In fact, numerous studies, beginning as early as the report from the La Guardia committee – commissioned by New York mayor Fiorello La Guardia and published in 1944 – have reported that few adverse effects of the drug had been observed (Musto 228; Booth loc. 5266; Lee loc. 1193).

Instead, my aim is to take away some of the hyperbole surrounding drugs and those who are addicted to them. A measure of compassion and understanding can even allow one to establish common cause with the addict once they’ve explored the social dimension of drug prohibition that has created and reinforced the existing system of oppression.

## Chapter Two: The Drug Crusade (1930s-1950)

### 2.1 Phases of War

In this Foucauldian history, the “pre-war” period in the War on Drugs is defined as the period prior to the 1930s, up to the concurrent prohibition of alcohol that began at the beginning of the previous decade. The rise of the first efforts at drug prohibition started by the aforementioned Harry J. Anslinger (the initial war or, perhaps more appropriately the “crusade” as it was launched largely by an overzealous individual – Anslinger – who sought to achieve these ends using propaganda and by creating fear and hate). Typically, content about the War on Drugs investigates the “drug war” as occurring in 1971 with Nixon’s declaration. Eugene Jarecki’s documentary *The House I Live In* focuses on this period between the 70s and the present, as does Elwood’s *Rhetoric in the War on Drugs* which looks at presidential speeches and each president’s drug war rhetoric following Nixon, focusing especially on Reagan and Bush. Therefore, the drug war itself as of 1971 will be treated as the beginning of the “War on Drug Addicts,” though war imagery and warlike propaganda have persisted throughout and began long before this “War on Drugs 2.0” of sorts.

After the Chinese opium wars of the 19<sup>th</sup> century, drug prohibition (largely marijuana and opiates as well as cocaine) began in earnest shortly after alcohol prohibition was repealed in the 1930s. The rise of cannabis prohibition that ultimately led to hemp becoming a de facto criminalized substance, as will be discussed, marked the end of a period where hemp was a sought after crop and one that was considered essential, and one that would conveniently become essential again during World War II. It is interesting to note that the reasons for drug prohibition (especially marijuana) are very fluid and often change. In fact, the “general narrative” of the



effects of marijuana and the reasons for making it a criminal substance are altered to serve the generally accepted narrative or propaganda of a given period. As noted in *The Union: The Business Behind Getting High*, after the virulent propaganda of the 30's that said marijuana would cause 'reefer madness' and turn people into murderous fiends, marijuana ended up being criminalized for the exact *opposite* reason it had been criminalized in the first place: because it would supposedly make people too passive and turn them communist (Lee loc. 1255; Musto loc. 3133). Predominant narratives of the drug war are identified by the literature as well as delineated in Ron Mann's documentary *Grass: The History of Marijuana*. These "predominant narratives" are presented here for the purpose of identifying some "*épistémés*" or patterns of thinking about drugs. In the Foucauldian sense, this seeks to outline the dominant way of thinking about drugs at the time, and in doing so we can compare how the decisions that were made and the actions that were taken coincided with the overarching moral, social and medical ideas of the period. In this regard, we can more effectively criticize the actions of the drug war more effectively.

## 2.2 Marijuana: From Miracle Crop to "Loco Weed"

Prior to the rise of marijuana prohibition, hemp was considered an essential crop as medicine and for making a wide range of products from paper to clothes and textiles. Often quoted historical anecdotes about the early use of hemp include that in 1619, the first marijuana law was one that said everyone had to grow it: "the Virginia assembly passed a law requiring every household in the colony to cultivate the plant because it had so many beneficial uses – for making fabric, paper products, cord, and other items" (Lee 16). Thomas Paine exalted the growth and use of hemp in his famous work *Common Sense* (18), the early drafts of the Declaration of

Independence (1776) was written on hemp paper (Lee 18) and Queen Victoria was prescribed cannabis to alleviate the pain of menstrual cramps (Lee 26).

It's important to note that during this time, hemp was considered acceptable (and important) but that it would soon fall out of favour not because of *what* its uses were, but because of *who* its users were: in the same way, opium was also used therapeutically before being outlawed. The elixir known as “laudanum” which was a mixture of opium and alcohol was prescribed for “calming and soporific effects” (Musto 1). An 1881 editorial in *Catholic World*: “labelled laudanum drinking an ‘aristocratic vice’ more common among the educated and wealthy” (Heyman loc.94). It is well known that coca-cola contained cocaine until 1903 (and since then caffeine) (Musto 3). In the case of marijuana and the African-American and Hispanic migrant worker population, and the Chinese workers and opium use (Musto 3), we see the rise of a moral panic and laws that are enforced based on an uneven racial basis that continue to this day. In fact, only as of late 2013-early 2014 is United States President Barack Obama beginning to address the disparity between crack and powder cocaine sentencing:

Since 1986, though crack and powder cocaine are chemically the same, there has been a 100 to 1 disparity in the sentencing of crack cocaine vs. powder cocaine offenses. This has accounted for a vast disproportion of crack users going to prison over the past 25 years. In 2010, after decades of protest from judges and activists, this disparity was reduced to 18 to 1 (Jarecki, Press Kit to *The House I Live In*).

In 1938, around the time that hemp was going through the stages of becoming a criminal substance, *Popular Mechanics* published an article calling it the “new billion dollar crop”. They

estimate that a hemp industry “will provide thousands of jobs for American workers throughout the land.” They note:

Hemp is the standard fiber of the world. It has great tensile strength and durability. It is used to produce more than 5,000 textile products, ranging from rope to fine laces, and the woody ‘hurds’ remaining after the fiber has been removed contain more than 77 percent cellulose, which can be used to produce more than 25,000 products, ranging from dynamite to Cellophane (Popular Mechanics).

Easy to grow, with many, *many* uses and a driver for the American economy, hemp is considered to be a miracle crop, notwithstanding the fact that smoking the bud of it produces intoxication.

Even as hemp is presented as an almost magical crop, the concurrent prohibition of alcohol that started in 1920 and subsequent *un*-prohibiting of alcohol that occurred in 1933 caused illegal economies and smuggling to flourish. Albert Einstein was quoted to have said at the time: “the prestige of government has undoubtedly been lowered considerably by prohibition...nothing is more destructive of respect for the government and the law of the land than laws that cannot be enforced” (Lee 43-4).

Marijuana at this time was strongly associated with the rise in popularity of jazz music in the early 1920s. Milton ‘Mezz’ Mezzrow moved from Chicago to New York and attained a great deal of popularity as “Pops’s Boy” for his close association with Louis Armstrong and for his role as Armstrong’s marijuana provider (Lee 44). Early jazz artists sang songs such as “Gimme a Reefer” by Bessie Smith and “When I Get Low, I Get High” by Ella Fitzgerald. New Orleans became an epicenter for jazz and its status as a port city made marijuana readily available (loc 2723). Soon, marijuana became associated with jazz, and jazz itself was associated with African-

American musicians. By transitive properties, marijuana was associated with the African Americans.

Marijuana was also heavily linked with migrant workers from Mexico. Booth writes that “as the migrant workers made deeper inroads into the USA, they took their customs and habits with them. Soon, cities well inside Texas such as Corpus Christi, San Antonio and the state capital, Austin, had substantial Mexican populations all using marijuana” (loc 2573). The association between these largely impoverished workers led to a general association of cannabis with a socioeconomic problem: “those of a more affluent standing tended to blame the problems of the less fortunate on the consumption of cannabis. Its initial association with the dregs of society – landless peasants, bandits, bootleggers, prisoners and so on – made marijuana a scapegoat for deep-rooted social inequalities” (Lee 39).

El Paso, Texas was the first municipality to outlaw marijuana in 1914 (Lee 41) and the rest of Texas followed suit in 1919. Around the same time, one state senator said: “all Mexicans are crazy, and this stuff [marijuana] makes them crazy” (qtd in Lee 42). Booth quotes a Montana politician who said: “give one of those Mexican beet field workers a couple of puffs on a marijuana cigarette and he thinks he is in the bullring at Barcelona” (loc. 2659). Even the New York Times ran an article in 1927 about a Mexican family “driven insane” by marijuana, it read that according to doctors, “there is no hope of saving the children’s lives and that the mother will be insane for the rest of her life” (Booth loc. 2656).

This and other accounts of what has now been termed “yellow journalism” set the stage for ‘reefer madness’ and inexorably set in motion a chain of events regarding the legalization of marijuana that continue to this day.

## 2.3 Medicinal Opium: The Physician and the Rise of the Addict

As concerns were growing about marijuana use and the dangers of “loco weed,” the notion of the addict had become notable in America in the early 20<sup>th</sup> century and the associations that come with that began to be drawn notably along lines of class and race. Central to the creation of the addict was the role of the physician. Heyman notes that “morphine was the first ‘wonder drug’, and it and laudanum were what physicians prescribed for a wide range of ailments” (loc. 99).

In *Dark Paradise: A History of Opium Addiction in America*, author David T. Courtwright says that the moral of the story and one of the key themes of his book is the idea that “what we think about addiction very much depends on who is addicted” (loc. 100) and to a larger extent this entire history and analysis of the war on drugs and the ill-conceived drug prohibition that continues to this day could be summed up by saying “what we think about *drugs* very much depends on who is using the drugs,” and why (for what purpose), and what race they are, and what the moral conditions of the day are, or, which moral conditions have carried over and which have not – in spite of changing morals, we treat drug policy much in the same way we did during the days of Harry Anslinger when he raised worries of murderous rampages and “reefer madness.”

Even at the end of the 19<sup>th</sup> century and the beginning of the 20<sup>th</sup> century, the responsibility for having caused and created many instances of opium addiction was placed squarely on physicians. As Musto notes in his classic *The American Disease*: “eventually the medical consensus was that morphine had been overused by the physician, addiction was a

substantial possibility, and addition of narcotics to patent medicines should be minimized or stopped” (5). Courtwright maintains that:

The major reason for the rise, as well as the fall, in the rate of opiate addiction was the prevailing medical practice of the day. Prior to 1900 most addiction resulted from the activity of physicians; it was, to use a shorthand term, iatrogenic. Doctors liberally dispensed opium and morphine to their patients, many of whom were female and many of whom subsequently became addicted (loc. 85). The effects were striking:

By 1900, America had developed a comparatively large addict population, perhaps 250,000, along with a fear of addiction and addicting drugs. This fear had certain elements which have been powerful enough to permit the most profoundly punitive methods to be employed in the fight against addicts and suppliers. For at least seventy years purveyors of these drugs for nonmedical uses have been branded “worse than murderers,” in that destroying the personality is worse than simply killing the body (Musto 5).

An article in the New York Times dated February 8<sup>th</sup>, 1914 shouts, in all caps: “NEGRO COCAINE “FIENDS” ARE A NEW SOUTHERN MENACE.” According to America’s newspaper of record, the by-line reports “Murder and Insanity Among Lower Class Blacks Because They Have Taken to “Sniffing” Since Deprived of Whisky by Prohibition.” The article even suggests that under the influence of this cocaine, “negro fiends” are made better marksmen and even rendered invulnerable to fatal wounds that would otherwise dispatch a non-fiend (Williams).

The Harrison Act of 1914 criminalized recreational use of opiates and left the discretion for its distribution to the physicians. Musto writes: “we thus oscillate from periods of drug tolerance to drug intolerance. Equilibrium is a state in which drugs, including alcohol, have rarely been found in the United States”. Further, he contends that “a strongly held tenet of critics of the Harrison Act [was] that the law simply turned respectable drug users into criminals” (x).

This fear of the addict (and misconceptions as to the extent to which marijuana and other substances can be considered addictive) would propel many efforts with respect to the attempt to push for uniform laws prohibiting narcotics (notably marijuana) in all 50 states.

The effect of this type of thinking – which built a connection between addiction and crime – and the misleading and perhaps ill-informed link that would be presented between marijuana and addiction was that a war came to be waged not on *drugs*, but on addicted individuals themselves. Gabor Maté, famous physician and author who has spent many years serving patients on Vancouver’s downtown eastside and written about the mind-body connection to stress and the physical effects of trauma states:

There is no war on drugs because you can’t war on inanimate objects. A war on drug addicts is what there is. And as a result of such retrograde social beliefs and governmental practices, the United States which contains 5 percent of the world’s population contains 25 percent of the world’s jail population, which is to say that every fourth person in the world that is in jail is a citizen of the land of the free. And all because of the belief that we’re talking about a choice here (“Psychedelics”).

Thus, the War on Drug Addicts came to be waged in earnest, first as a crusade fought by the infamous Anslinger, and then as an offensive picked up by presidents, police and the public.

## 2.4 Enter Anslinger

*“The greatest danger to liberty lurks in insidious encroachment by men of zeal, well-meaning but without understanding”*

*Supreme Court Justice Louis D. Brandeis on the subject of permitting wiretaps to enforce prohibition (qtd. in Lee 48).*

In one interview, legendary comedian George Carlin was asked to sum up his own legacy and he responded by saying: "if they were to write a history of comedy in America in the last third of the 20th Century, they'd have to include me. I just know they can't leave me out. That's what I'd like to be remembered as, someone who made enough of a mark that they can't leave 'em out" (Archive of American Television). In terms of examinations of the criminalization of narcotics, Harry J. Anslinger shares a similar importance. It seems almost unthinkable to discuss the issue of drug prohibition without placing Anslinger within this context: he served as the first director of the Federal Bureau of Narcotics from the time it was formed in 1930. Lee observes that Anslinger “would run the FBN with an iron fist through six presidential administrations spanning more than three decades...He was the Godfather of America’s war on drugs, and his influence on public policy would be felt long after death stiffened his fingers in 1975” (48).

Anslinger was the first commissioner of the United States Treasury Department’s Federal Department of Narcotics in 1930 (Krebs). Anslinger served in this position for 32 years, under each president from Franklin Delano Roosevelt to John F. Kennedy. Prior to this, he served as assistant commissioner in the Bureau of Prohibition. Anslinger is well known for the propaganda



campaign he waged against marijuana and marijuana users. He meticulously kept what has been called the “Gore File, his infamous scrapbook full of Hearst press editorials, racial slurs, and anecdotal accounts of horrific murders falsely attributed to marijuana smokers” (Lee 54).

Anslinger wrote an article in *American* magazine called “Marijuana, Assassin of Youth” (Krebs):

Quotes attributable to Anslinger include (and there are certainly more than these): "Reefer makes darkies think they're as good as white men." "You smoke a joint and you're likely to kill your brother." and... "There are 100,000 total marijuana smokers in the U.S., and most are Negroes, Hispanics, Filipinos and entertainers. Their Satanic music, jazz and swing result from marijuana use. This marijuana causes white women to seek sexual relations with Negroes, entertainers and any others (Schmidlin).

At a time when marijuana use was associated with the south, the jazz scene, the ports of New Orleans and the Texas border towns where Mexican workers were known to smoke a joint to relax after a hard day's work (Booth loc. 2573), the same puritan principles that drove the unsuccessful attempts at alcohol prohibition began to set in place the same sentiments that would fuel the crusade to criminalize the use of marijuana and other narcotics.

As assistant prohibition commissioner, Anslinger “called for draconian measures to arrest and punish liquor drinkers, including stiff jail terms and fines for anyone caught purchasing an alcoholic beverage” (Lee 48). Musto notes that during the decade-or-so of alcohol prohibition:

The federal Prohibition laws made it a crime to sell, manufacture, or transport liquor for sale, but purchase of liquor was not a crime. Anslinger would have made the purchase of alcohol for nonmedical consumption a

violation, and for the first conviction would set a penalty of a fine of not less than \$1,000 and imprisonment for not less than six months (211).

As director of the Bureau of Narcotics, his approach was similar. He used the media to his advantage to propagate ideas of 'reefer madness', and was aided in this by what was called "yellow journalism," melodramatic tales of illicit drug use, people driven barbaric by 'loco weed' and most of these were tied to minorities. The idea of yellow journalism is most prominently and most often associated with William Randolph Hearst (Gray 76; Booth loc. 2901; Lee 50). Headlines included: "Murder Weed Found Up and Down Coast – Deadly Marihuana Dope Plant Ready for Harvest That Means Enslavement of California Children" (Lee 50) and the idea of the "Marihuana-Crazed Madman" persisted throughout his many newspapers (Gray 76). As noted above, Anslinger kept a large file, called the "Gore File" of Hearst newspaper clippings and even penned his own article, "Marijuana, Assassin of Youth". In it, he makes a bold statement: "how many murders, suicides, robberies, criminal assaults, holdups, burglaries, and deeds of maniacal insanity it causes each year, especially among the young, can only be conjectured" (Lee 52). Notably, he only notes that these things *can only be conjectured* and does not attempt to provide statistics, or even estimates.

Goode and Ben-Yehuda mention the results of a study of contemporary articles about marijuana in their book *Moral Panics*:

In an analysis of the articles on marijuana published in popular magazines between 1935 and 1940, Himmelstein found that 95 percent depicted the drug as "dangerous," and 85 percent specifically mentioned violence as an effect of its use; three-quarters of these articles (73 %) regarded moderate use as impossible (1983, pp. 60-7). `Addicts [meaning marijuana users]

may often develop a delirious rage during which they are temporarily and violently insane," states Anslinger; "this insanity may take the form of a desire for self-destruction or a persecution complex to be satisfied only by the commission of some heinous crime" (Anslinger and Cooper, 1937, p. 150). Violence was the central guiding principle of the media's depiction of marijuana's effects (loc.3178-82).

During this time, Anslinger's vigorous rhetoric continued to associate drugs with individuals of other races. In 1936 Anslinger contended that "50 percent of violent crimes committed in districts occupied by 'Mexicans, Greeks, Turks, Filipinos, Spaniards, Latin Americans, and Negroes may be traced to the use of marijuana" (Lee 51). He declared that "marijuana causes white women to seek sexual relations with Negroes". He proclaimed that "pot-maddened jazz bands performed what Hearst papers proclaimed 'voodoo-satanic music' ...[and] never tired of telling new versions of the same morality tale, which featured a vulnerable young white woman whose tragic downfall is triggered by smoking marijuana with dark-skinned rogues" (52).

By the time that Anslinger's message made its way over to the medium of film, the legislative agenda for marijuana began to move in his desired direction, fuelled in great part to the fear he'd produced. In the late 1930s and early 1940s, efforts at marijuana criminalization were underway and legislation was being enacted that would in essence make marijuana illegal. During this time period, the film industry began to take a hand in the propaganda. The effects were incredible.

Eric Schlosser writes: "words can hardly do justice to old marijuana scare films such as *Marihuana: Weed with Roots in Hell* (1936), *Reefer Madness* (1937), *The Devil's Harvest* (1942), and *She Shoulda Said No! (Wild Weed)*(1948). They say a great deal, and they say it very

badly” (loc. 3578). Ironically, the film *Reefer Madness* now has the exact opposite effect on audiences than what was intended. The story of “a perverted pot addict, Pirelli [who] sneaks into a closet and fires up the devil’s doob, prompting frightful facial twitches as he morphs into an insane killer” has since become “a cult humor classic among American college students” (Lee 52). Many see the melodramatic story of marijuana-fuelled murder by maniacal young people rather comical because it does not match their experience or the current image of marijuana. While it serves now as an artifact of a long-passed *épistémé*, at the time, it served as propaganda in making marijuana illegal.

The effects of press exploitation with respect to individual’s conceptions of marijuana and the scare of “reefer madness” fuelled early efforts to make marijuana illegal. By 1936, “thirty-eight states would add marijuana to their most dangerous drugs list under the Uniform State Narcotic Acts” (Booth loc. 2915). After only two one-hour hearings (Lee 54), the Marijuana Tax Act of 1937 ultimately made cannabis illegal because the growth and cultivation of it required a tax stamp, which the government did not issue (54). The first person arrested under this new law was Samuel R. Caldwell who was sentenced to four years of hard labour and a fine of \$1000 for selling two “marijuana cigarettes”. The purchaser of the joints received eighteen months in the same prison (55). At the time that marijuana was outlawed in 1937, an estimated 50,000 people were using the ‘devil weed’. *Newsweek* estimated that this number doubled within the decade (55). However, within barely five years, the government would release pro-hemp propaganda and be encouraging people to grow it and issuing tax stamps before quickly re-criminalizing it.

By the time World War II broke out, growing hemp was again in vogue. Lee notes: “Anslinger was obliged to defer to the U.S. armed forces and the Department of Agriculture

which jointly released a 1942 motivational film, *Hemp for Victory*, urging American farmers to grow lots of hemp to support the war effort” (57).

For this initiative, “approximately twenty thousand farmers in the Midwestern states were registered under the federally funded War Hemp Industries Corporation to cultivate over 30,000 acres of cannabis producing 42,000 tons of fibre and 180 tons of seed annually throughout the war years...to encourage farmers to grow hemp, those who agreed were – with their sons – exempted from military service” (Booth loc. 3120) and it served various uses: rope, hempseed oil for aviation lubricant, and hemp cloths for parachutes (Lee 58).

For the first three decades following prohibition, the discourse on drugs involved, in Hunter S. Thompson’s words, a great deal of “fear and loathing”. However, concurrently with the Second World War and immediately after, a new narrative about drugs began to emerge: firstly, the report on marijuana commissioned by New York Mayor Fiorello La Guardia began to change the consciousness about the supposed effects and dangers of the drug. At this time, Anslinger’s chokehold on the predominant narrative about drugs began to change and drugs themselves began to take a prominent place in the culture and the cultural products of the postwar society.

## 2.5 Illegalities and Drug Use

In *Discipline and Punish*, Foucault charts the establishment of prisons as the preeminent form of punishment in Western society. Under Anslinger there is a large push to criminalize all drugs, and a relentless effort to have state governments across America have their state laws fall into step with those of the federal government. People began to be incarcerated and the idea of mandatory minimums would come from this punitive turn towards drugs and drug addicts.

Foucault notes the role of the prison and of incarceration in creating, categorizing and establishing notions about that which is legal or illegal, and the rise of “popular illegalities”. He notes “the general schema of penal reform had taken shape at the end of the eighteenth century in the struggle against illegalities: (DP, 273) and notes that in fact with the rise of new codes of law, “a new popular illegality arose. Or, to be precise, perhaps the popular illegalities began to develop according to new dimensions” (273). In fact, he traces the “peasant illegality” that developed after the French Revolution – illegalities involving the worker including “absenteeism, abandoning work, vagabondage...a whole series of illegalities was inscribed in struggles in which those struggling knew that they were confronting both the law and the class that imposed it” (274). In Anslinger’s case, he began to impose illegalities amongst drug users who were largely of a different class than him, and most often from a different race. By doing so, his actions created criminals in the same way as new forms of law did in the eighteenth and nineteenth century by “increas[ing] the occasions of offenses, and [throwing] to the other side of the law many individuals, who, in other conditions, would not have gone over to specialized criminality...a whole series of illegal practices, which during the previous century had tended to remain isolated from one another, no seemed to come together to form a new threat” (275).

In addition to making new illegalities – producing new ways to break the law and be punished, marking these individuals as criminals served “as support for the ‘great fear’ of a people who were believed to be criminal and seditious as a whole, for the myth of a barbaric, immoral and outlaw class...haunted the discourse of legislators, philanthropists and investigators into working-class life” and additionally “criminals, who were once to be met with in every social class now emerged ‘almost all from the bottom rank of the social order’”(275). By seeking to punish Mexicans and African Americans by making their habits illegal and cause for

incarceration, Anslinger succeeded in separating drug users from society, and in creating a great deal of fear about them that would persist. The effect is that society comes to believe that “it is not crime itself that alienates an individual from society, but that crime is itself due rather to the fact that one is in society as an alien, that one belongs to that ‘bastardized race’ ...to that ‘class degraded by misery whose vices stand like an invincible obstacle to the generous intentions that wish to combat it’” (276).

Additionally, in his lecture series *Truth and Juridicial Forms* Foucault notes that the creation of a “criminal” class led to people being feared not for what they had done, but for what they had the *potential* to do, similar to the demonization of addicted individuals that persists today. Foucault writes:

Toward the end of the nineteenth century the great idea of criminology and penal theory was the scandalous idea, in terms of penal theory, of *dangerousness*. The idea of *dangerousness* meant that the individual must be considered by society at the level of his potentialities, and not at the level of his actions; not at the level of the actual violations of an actual law, but *at the level of behavioral potentialities they represented*. (TJF 57)  
(Foucault’s emphasis)

Thus in the early days of drug prohibition the stage is set for a division that will continue throughout the beat generation and into the more contemporaneous war on drugs that began in the 1970s. A separation of the drug user and a demonization of the addict that comes from making their habits illegal begins to be entrenched in the social fabric, and the moral panic of drugs begins to be tied to a hatred of those addicted who are seen as a threat to the rest of society.

One of the first notable breaks with Anslinger's established narrative about the dangers of drug abuse and reefer madness was the immediate aftermath of the LaGuardia report. Booth establishes LaGuardia as "one of Anslinger's main critics," saying "it was not that he was pro-marijuana, but he was anti-humbug and a man of considerable political integrity for whom the truth had value" (loc. 3148). The ultimate result was that the committee "examined and debunked virtually every claim that Anslinger had made about marijuana" (Lee 60). Booth writes:

With the assistance of the New York Academy of Medicine he set up The Mayor's Committee consisting of an investigative panel of over two-dozen assorted eminent medical practitioners, health experts and sociologists under the chairmanship of Dr. George B. Wallace. Much against Anslinger's wishes but with the full co-operation of the New York City police department (NYCPD), the committee carried out the full-scale scientific and sociological study of marijuana (loc. 3151).

First, they swiftly debunked the notion that marijuana should be considered a narcotic, classifying it instead as a "*euphoriant*" (Lee 60), and concluded: "'prolonged use of the drug does not lead to physical, mental or moral degeneration, nor have we observed any permanent deleterious effects from its continued use.' The report stated categorically that marijuana is not addictive and it does not cause insanity" (61). Additionally, LaGuardia's investigators summarized the atmosphere of the 'tea-pads', or areas where marijuana was habitually smoked: "The marijuana smoker derives greater satisfaction if he is smoking in the presence of others. His attitude in the 'tea pad' is that of a relaxed individual, free from the anxieties and care of the realities of life. The 'tea-pad' takes on the atmosphere of a very congenial social club" (loc. 3197). The report also insinuated that marijuana would have "therapeutic possibilities" (Lee 61).



Anslinger was reportedly livid (61) and berated the NYC mayor. Soon after, the American Medical Association (AMA) took Anslinger's side, with an article in the *Journal of the American Medical Association* saying: "public officials will do well to disregard this unscientific, uncritical study, and continue to see marijuana as a menace wherever it is purveyed" (Lee 62).

Lee writes that "during his tenure...Anslinger constructed what French philosopher Michel Foucault would later refer to as a "regime of truth." This hegemonic process entailed a protracted campaign to suppress the facts about cannabis by deriding and marginalizing the commissioner's critics," and states that "drug-war catechism maintained that moderate use of the herb was impossible – all use was abuse, no questions asked" (62).

Anslinger's regime of truth was an overwhelmingly strong one, built on fear, moral panic, questionable science and claims that were rarely defended in any sort of impartial way. As previously stated, the harmful effects of most opiates, cocaine and other intoxicants are well known, but marijuana seems to be an exception in that while it is most likely not entirely healthy to inhale smoke into one's lungs, the effects that have been reported have been falsely presented, and in many instances invented.

This thesis analyzes the War on Drugs in America, but very similar policies exist in Canada and drug legalization and drug policy continue to be hotly debated here as well. The Canadian film *The Union: The Business Behind Getting High* is an award-winning documentary from director Brett Harvey which focusses on the Canadian marijuana industry (which is estimated in the film to be worth over \$7 Billion annually)(3:15) and critiques drug prohibition. The beginning of the documentary summarizes the history of marijuana prohibition with a very succinct summary of the ways in which subsequent reports and studies have debunked flawed

information. In addition to LaGuardia's report, the film cites many other reports that have similar findings including: *The Wootton Report*, 1968 (United Kingdom); *The Le Dain Report*, 1970 (Canada); *The Consumer's Union Report on Licit and Illicit Drug*, 1972 (US); *The Shafer Report* of 1972 in the United States which President Nixon commissioned and then dismissed without even looking at it (Lee 159); *Ganja in Jamaica: A Medical Anthropological Study of Chronic Marijuana Use* (1975); *Cannabis in Costa Rica* (1980) and *Cannabis: Our Position or a Canadian Public Policy* (2002) from the Senate of Canada (Harvey 03:47).

*The Union* also summarizes the findings of the medical community and the results of prominent "experiments," which came after Anslinger's reign but ones that still had difficulty challenging his established regime of truth many years after his initial attempts at selling "reefer madness": The Heath/Tulane Study of 1974. Then-governor of California Ronald Reagan cited this as being proof that marijuana caused brain damage because of results that were observed on chimpanzees. 30 monkeys who had been pumped full of marijuana (30 joints per day) atrophied and died after 90 days. "Brain damage was determined after counting dead brain cells of monkeys that had been subjected to the marijuana and ones who had not" (8:29). This study was often cited by special interest groups and politicians on the subject of the dangerous effects of marijuana. It took six years of requests before the methodology of the study was revealed: the monkeys were not administered 30 joints per day for one year, "Dr. Heath used a method of pumping 63 Colombian-strength joints through a gas mask within five minutes over three months" (Harvey 08:40). Because the marijuana was administered to the monkeys through a mask without any additional oxygen, the animals died because of suffocation. Brain cells died because of lack of oxygen, not because of the cannabis. This study continued to be quoted for many years by people who were not aware with the origin or methodology of the study (09:13).

Alternately, in 2005, research at the University of Saskatchewan suggested that in actuality marijuana could possibly stimulate brain cell growth (09:20). A release from the University of Saskatchewan notes: “Chronic use of marijuana may actually improve learning memory when the new neurons in the hippocampus can mature in two or three months,” [Dr Xia Zhang, Associate Professor of Neuroscience] added.” Additionally, “The scientists also noticed that cannabinoids curbed depression and anxiety, which Dr. Zhang says, suggests a correlation between neurogenesis and mood swings. (Or, it at least partly explains the feelings of relaxation and euphoria of a pot-induced high.)” (Walton)

In the film, Harvard medical professor emeritus Dr. Lester Grinspoon points out that there is not one case where cannabis smoking alone has been associated with causing lung cancer. A study at UCLA by physician Donald Tashkin is reported in *Scientific American*:

“We expected that we would find that a history of heavy marijuana use--more than 500 to 1,000 uses--would increase the risk of cancer from several years to decades after exposure to marijuana,” explains physician Donald Tashkin of the University of California, Los Angeles, and lead researcher on the project. But looking at residents of Los Angeles County, the scientists found that even those who smoked more than 20,000 joints in their life did not have an increased risk of lung cancer (Biello).

In the documentary, it is noted that if there was evidence that marijuana caused this effect, it’s very likely that the anti-drug lobby would be publicizing this very widely. As such, the film notes that the association between marijuana and cancer or emphysema has not been clearly established.

There is, however, a great deal of evidence surrounding the accepted fact that the use of tobacco, on the other hand, causes a host of preventable diseases that kill hundreds of thousands of people each year. According to the Centre for Disease Control:

Tobacco use is the single most preventable cause of disease, disability, and death in the United States. Each year, an estimated 443,000 people die prematurely from smoking or exposure to secondhand smoke, and another 8.6 million live with a serious illness caused by smoking (CDC).

Moreover, Harvey's documentary notes that the number of deaths from tobacco exceeds those from AIDS, heroin, crack, cocaine, alcohol, car accidents, fire and murder, combined (11:28). Alcohol boasts over 85,000 deaths per year (Harvey 12:05). Once again, deferring to the CDC:

There are approximately 88,000 deaths attributable to excessive alcohol use each year in the United States. This makes excessive alcohol use the 3rd leading lifestyle-related cause of death for the nation (CDC).

The Environmental Working Group estimates that government tobacco farm subsidies in the United States have cost at least \$1.5 Billion from 1995-2012 (EWG). The Province of Ontario made that much (over \$1.65 Billion) from liquor sales from the government-controlled Liquor Control Board of Ontario (LCBO) in 2013 (Canadian Press). Additionally, Physicians for a Smoke-Free Canada compiled public budget statistics of federal and provincial governments and present that the tax revenue from tobacco is \$7,312,993,636 (Physicians for a Smoke-Free Canada).

In Harvey's documentary, Dr. Grinspoon says: "there are no deaths from cannabis use, anywhere. You can't find one" (12:49). The documentary contends that caffeine and aspirin kill far more people than marijuana (12:26). Biochemist and pathologist Dr. Paul Hornby contends in the film: "I've heard that you have to smoke around 15,000 joints in 20 minutes to get a toxic amount of delta 9 tetrahydrocannabinol." Dr. Perry Kendall, Provincial Health Officer for the BC Ministry of health adds that doses that would be hundreds of times what a human being could possibly smoke have not caused fatality among animal test subjects (Harvey 13:18). This is in stark contrast to the ideas of marijuana being incredibly addictive or even as harmful as cigarettes.

An article in Britain's *Daily Mail* warns that "Cannabis 'kills 30,000 a year'" with a by-line: "More than 30,000 cannabis smokers could die every year, doctors warn today." (Hope)(emphasis added). This news story does not list an author and seems to base its numbers relative to the number of tobacco smokers, ignoring the premise that tobacco smoke and marijuana smoke are quite different and that one cannot trace the same effects back to marijuana as are caused by the very legal and very profitable tobacco: "Researchers calculate that if 120,000 deaths are caused among 13 million smokers, the corresponding figure among 3.2 million cannabis smokers would be 30,000" (Daily Mail). This seems to be one of the only attempts to place a number on the people killed by marijuana each year.

I do not seek to present Harvey's documentary as a given truth which claims to offer exhaustive proof on the safety of marijuana. The director's bias is self-evident: he is presenting the case against marijuana prohibition. As noted by Popper in *Conjectures and Refutations*: "It is easy to obtain confirmations, or verifications, for nearly every theory-if we look for confirmations." More importantly, the purpose of summarizing the beginning of the film *The*

*Union* is to demonstrate that within the first twenty minutes of the documentary, more facts and scientific studies are cited than were used during the entire time marijuana was being made illegal.

These statistics in contrast to the moral panic that prevailed during the early declarations of the War on Drugs speaks to the differences of Foucauldian *épistèmes*, or ideas of what would or would not have been considerable during a given time period. At one time, no one would have challenged the established narratives about marijuana and fear would reign supreme. Today, the call for evidence-based decisions outdate Anslinger's attempts at spreading hype and propaganda during the days of *Reefer Madness*, but in spite of this, drugs still remain illegal.

Harry Anslinger would remain in his position until the beginning of the 1960s, but the damage was done. Cracks in the official narrative began to emerge, and new ideas about drugs would result in drugs taking a heightened place in the collective consciousness in terms of being used in cultural production and to a different extent drugs being used to express the disdain from a post-war culture or "beat generation" as people sought to reconcile their worldview after the carnage of war, very similar to the "lost generation" of the period that followed World War I.

It's interesting to note that after "reefer madness" in the 1930s and the subsequent fears that included everything from communism to the idea of marijuana as a gateway drug that led to inescapable heroin addiction, every subsequent generation has had its own moral panic with a new drug, a new set of claims and a new means of excluding a group of users from society at large.

In *Moral Panics: The Social Construction of Deviance* authors Goode and Ben-Yehuda trace the emergence of new and sensationalist reports of the rise of a drug menace, and the truth

is that there has been at least one major panic regarding a new and threatening drug that comes with each generation following the days of Reefer Madness. The authors mention the tendency for the media to become fixated on each new drug, “when a previously unknown drug begins to be used on a widespread basis, or a drug begins to be taken up by a category in the population that had not previously used it, the media all too often indulge in sensationalistic reports of this brand-new “scary drug of the year””(loc. 3145-6) and they recognize a pattern that exists with each and every new moral panic that arises:

Even though the specific drug that is the focus of media stories, public fear, and legislative attention changes, the structure of fear and panic remains the same. A few untoward episodes, whether alleged or real, are presented as if they were the typical, characteristic, or paradigmatic experience with this new drug. In the heat of a drug panic or scare, such episodes come to be regarded as summary events, representing or standing in for the experience most or many users have with the substance. The worst case scenario is depicted and believed as if it were common, even usual. This pattern has prevailed for over a century (loc. 3150).

Following the fears of reefer madness and the red scare after World War II which was exemplified by the McCarthyism of the 1950s, heroin use became more prominent, and the perception grew that marijuana use would pave the way to heroin addiction.

While the use of opiates persisted during the beginning of the 20<sup>th</sup> century, Courtwright notes that after efforts to criminalize opiates (most notably the aforementioned Harrison Act in 1914), and the tendency to allow physicians the discretion to prescribe opiates led to what he calls the “disappearance and return” of heroin use, which had, in the 1940s become fairly expensive (loc. 1955). However, in the same way that marijuana was associated with jazz

performers, a new generation of writers and poets soon began to express themselves through the use of drugs, beginning with the Beat generation of the 1950s and moving towards the free love and psychedelic mind expansion that marked the 1960s.

## 2.6 Discourse and Drugs

It's difficult to overstate the significance of the idea of "discourse" to Foucault's work, and it's even more difficult to list the array of utterances, writing and cultural production that constitute "discourse" in the Foucauldian sense. In *The Archaeology of Knowledge*, Foucault refers to discourse as: "the general domain of all statements, sometimes as an individualizable group of statements, and sometimes as a regulated practice that accounts for a number of statements" (80). Sara Mills notes this in effect means that "'discourse' can be used to refer to all utterances and statements which have been made which have meaning and which have some effect" (53). As well, she writes that:

At other times, he has used the term discourse to refer to 'regulated practices that account for a number of statements', that is the unwritten rules and structures which produce particular utterances and statements. For example, there is no set of rules written down on how to write essays, and yet somehow most students at university manage to learn how to write within the framework of the essay. For Foucault, this set of structures and rules would constitute a discourse, and it is these rules in which Foucault is most interested rather than the utterances and text produced (53-4).

In this way, discourse refers to the products of a given society in a given time (or *épistémé*) and also to the rules that govern how forms of discourse are produced, disseminated and the ways in



which they can claim to have authority, or, to a larger extent to be *true*. At the same time, certain methods of exclusion or attempts to suppress information or opinions are embedded in the discourse. Thus, discourse is very strongly associated with relations of power (Mills 54). In the first volume of the *History of Sexuality*, Foucault explains:

Discourses are not once and for all subservient to power or raised up against it, any more than silences are. We must make allowances for the complex and unstable process whereby discourse can be both an instrument and an effect of power, but also a hindrance, a stumbling block, a point of resistance and a starting point for an opposing strategy. Discourse transmits and produces power; it reinforces it, but also undermines it and exposes it, renders it fragile and makes it possible to thwart it (*HSI* 100-101).

And further, in “The Order of Discourse”, he cautions that “we must not imagine that the world turns towards us a legible face which we would only have to decipher; the world is not the accomplice of our knowledge; there is no prediscursive providence which disposes the world in our favour” (qtd in Mills 55). In other words, discourse is a means by which we interpret the world around us, and therefore our perceptions are necessarily constrained by it (Mills 55). As Mills summarizes: “objects exist and events occur in the real world but we apprehend and interpret these events within discursive structures and we are not always aware of the way that discourse structures our understanding” (56). Foucault is thus interested in the constrained limits in which we speak and produce discourse, and the ways in which

In deciding to say something, we must as speakers focus on a particular subject, we must at the same time make a claim to authority for ourselves

in being able to speak about this subject, and we must, in the process, add to and refine ways of thinking about the subject. It is difficult, if not impossible, to think and express oneself outside these discursive constraints because, in doing so, one would be considered to be mad or incomprehensible by others (Mills 57).

Foucault claims that “in every society the production of discourse is at once controlled, selected, organised and redistributed by a certain number of procedures whose role is to ward off its powers and dangers, to gain mastery over its chance events, to evade its ponderous, formidable materiality” (Foucault, “The Order of Discourse” qtd. in Mills 57). In an interview, *Power and Sex*, Foucault says that in tracing the history of sexuality in terms of a genealogy of power relations: “My aim is not to write the social history of a prohibition but the political history of the production of ‘truth’” (PPC 112).

Within each time period, the production of discourse followed certain rules and the shifts and progressions of these rules, and changes to the ways in which discourses presented as “the truth” are built into the products themselves and are controlled, selected organized and redistributed as Foucault said. From the outset of prohibition, drug discourse was tied up in the establishment of drugs as medically bad, and of the addict as a crazed fiend, bent on destroying the lives of innocent people and worse, children. Later, the medical discourse would temper people’s reactions to drugs once they began to find that drugs do not turn people into manic victims of “reefer madness”, nor are black people transformed into “Negro Cocaine Fiends”, and the discursive formation related to drugs will play a key part in the counterculture and the literary productions of an era of free love and mind expansion that would occur throughout the 1960s. In

terms of the establishment of truth in discourse, and of the notion of a “regime of truth”, Foucault says in an interview:

Truth is a thing of this world: it is produced only by virtue of multiple forms of constraint. And it induces regular effects of power. Each society has its regime of truth, its “general politics” of truth: that is, the types of discourse which it accepts and makes function as true; the mechanism and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true (PK 131).

The interplay between the accepted forms of truth from law enforcement, medical sources, and presidents to social researchers and justice advocates and the effect these discourses have on legislature, society and even cultural products is what forms the basis of this thesis. As noted above, in the days prior to prohibition, drug use was considered a luxury or a habit for the rich. As soon as it became associated with poorer people of different races, the negative connotations began to creep into the discourse, until the regime of truth regarding drugs and race led to widespread fear and panic about reefer madness and Negro Cocaine Fiends. However, when the government needed hemp they conveniently changed the discourse to encourage its growth. When emerging reports challenged the regime of truth about the medical effects of marijuana, the preeminent narrative/discourse changed that in effect criminalized drugs for the *exact opposite* reason they were made illegal in the first place.

After the initial drug panic of the 1930s and 40s, a struggle between a dominant regime of truth and other, subjugated or prohibited forms of discourse came to the fore. After the second

world war new forms of discourse, including medical evidence but as well counterculture discourses such as cinema, literature and music served to challenge the existing regime of truth, while at the same time making unique and significant claims to truth themselves.

## Chapter Three: The Beats and the Hippies (1950-1970)

### 3.1 The Heroin Revival and a Beat Generation

The Beat generation of the 1950s came of age during what Courtwright calls the “postwar heroin revival” (loc. 1984). This revival was characterized as being mostly concentrated in bigger cities (loc. 1988) and, much like the wave of reefer madness before it, as being “a problem of black and Hispanic minorities (loc. 1993). He writes:

In the early 1930s blacks had comprised about 17 percent of Chicago's addicts and 7 percent of its population; by 1957 they comprised about 77 percent of its arrested addicts and 20 percent of its population. In Detroit in the early 1930s only one out of every four addicts who came to official notice was black; by 1951, it was four out of five (loc. 1998-2003).

Anslinger responded to this new threat in his signature way: harsh punishment and fierce rhetoric. Courtwright summarizes Anslinger’s predominant narrative during this time:

"The real trouble is the breakdown of the family," he charged. "You can't bring up children like alley cats and expect the teachers to save them from drug addiction." Nearly all juvenile addicts, he said, came from homes with inadequate parental control, a lack of moral values, and a disregard of personal responsibility. If this wasn't quite blaming the victims, it was

certainly blaming their parents. Their children had become hoodlums, then marijuana smokers, then graduated to heroin to get a greater kick. By the time these wayward youth had become full-blown adult addicts, the best option was compulsory hospitalization, which would prevent crime and the spread of addiction (loc. 2063-2067).

Further, he continued to push draconian legislation:

Anslinger played a key role in shaping both the 1951 Boggs Act and 1956 Narcotic Control Act. First, second, and third convictions under the Boggs Act earned a minimum of 2, 5, and 10 years with fines of up to \$2,000. Under the Narcotic Control Act, first, second, and third offenses for possession earned minimums of 2, 5, and 10 years, with fines up to \$20,000. Offenses for sales earned 5 to 20 years for a first conviction, double that for subsequent convictions or if an adult sold to a minor. Adult sales of heroin to minors were, at the discretion of the jury, punishable by death (Courtwright loc. 2081-2085).

There is no denying that heroin is an incredibly dangerous drug. Fear and panic are entirely understandable in a time of rising addiction rates among a public terrified for their children's welfare. This is an example of the panic that ensues with each new drug menace, and an example of history repeating itself. As well, the idea of mandatory minimum sentences become prominent, a controversial measure that continues to be problematic to this day.

During this time, another notable development occurred: heroin became associated with a counterculture that began producing that generation's seminal works, and began to present their own commentary on the idea of the American Dream. While heroin came to be associated with

minorities, the key players of the beat generation were young white men, disillusioned by society and alienated by America. Their work would be both heavily influenced by drugs, and recognized as very important literature and poetry from the postwar period between 1940-1960.

In cultural and literary circles, the 50s was notable for the rise of the beat generation in response to World War II, almost analogous to the establishment of the lost generation after World War I. It could be said that the generation that lost their faith in humanity following the First World War was supplanted by a generation that lost their faith in the American Dream following the depression and the Second World War. In the “roaring twenties,” Writers such as Ernest Hemingway, Ezra Pound, Gertrude Stein and F. Scott Fitzgerald stole away to Paris to find themselves, these people who were marked as a “lost generation”.

Hemingway’s vice was alcoholism. Troubles in Fitzgerald’s life were often tied to the troubles of Fitzgerald’s wife, Zelda. In *A Moveable Feast*, Hemingway traces the origin of the label that would come to define his contemporary expats in France: Gertrude Stein overheard a mechanic at a garage where she was having her car repaired tell his young worker: “you are all a génération perdue” (Hemingway loc. 956). “That’s what you are. That’s what you all are...all of you young people who served in the war. You are a lost generation” amid Hemingway’s protests to the contrary, Gertrude Stein said: “Don’t argue with me Hemingway...It does no good at all. You’re all a lost generation, exactly as the garage keeper said” (loc. 973). Hemingway says that later he came to the realization that “all generations were lost by something and always had been and always would be” (loc. 979).

The individuals of the beat generation, writers and musicians in the New York social scene of the 1950s were associated with “an introspective bohemian lifestyle which involved self-imposed cultural isolationism and divorce from everyday reality” (Booth loc. 3765). Many

of them used heroin and marijuana and “the central figures of the Beat generation, who first met in and around Columbia University in New York at or about the end of the Second World War” included Allen Ginsburg, William Burroughs and Jack Kerouac (loc. 3771). Lee writes:

They smoked marijuana and experimented with whatever else they could get their hands on – heroin, speed, hallucinogens – often to the point of excess in the spirit of Rimbaud, a poet the Beats so greatly admired. They sought to discover and articulate a “New Vision,” a phrase they borrowed from Rimbaud. The Beats were intent on writing this new vision experience” (66).

The stalwarts of the Beat generation had a vision for the country and for their time that was opposite to established narratives about what it meant to be an American, and what it meant to use recreational drugs. Lee writes: “Ginsberg and Kerouac, along with William S. Burroughs, comprised the core group of Beat writers who refused to live according to the rules set by “straight” society. During the deep freeze of the Cold War, when reflexive obedience to authority was rewarded, they offered a biting critique of America the Beautiful” (66). These individuals “gave voice to an undercurrent of alienation and discontent bubbling beneath the surface calm of the Eisenhower era” (70).

Similar to the idea that modernism is credited with pushing the limits of the forms of expression (literary, artistically, musically) of the day in the postwar period following WWI, the beat generation tried to push new limits decades later. As Booth describes the subversive poet Allen Ginsberg: “determined from a young age to be a writer, Ginsberg was a keen experimenter in every sense. He pushed at the bounds of his sexuality, of literary form, of narcotics and morality, and was always ready to test how far he could go” (loc. 3783). Allen Ginsberg’s

seminal poem *Howl* was a counterculture classic, definitively establishing him as “a textbook outsider- gay, Jewish, left-wing, pacifist...an unrepentant queer and pot smoker” (Lee 69).

Jack Kerouac is well known as one of the prominent voices of the beat generation, and to many his seminal work is considered to be 1957's *On the Road*. This story of a drug-addled road trip across America by a group of misfits who were alienated from the mainstream would indelibly inform the work of Hunter S. Thompson (Brinkley), a self-styled gonzo journalist known for his drug use as much as for his prose – who was also heavily inspired by F. Scott Fitzgerald to write *Fear and Loathing in Las Vegas*, originally published in Rolling Stone magazine in 1971. The subtitle of Thompson's novel was *A Savage Journey to the Heart of the American Dream*.

In the same way that Fitzgerald's seminal work *The Great Gatsby* lamented a loss of this ideal of the “American Dream” even as far back as the 1920s through the eyes of Nick Carroway and through the experiences of characters who became disillusioned by the Jazz age, by the time it was Kerouac's turn to become disillusioned by post-war, post-depression America, drugs had begun to take root in the social consciousness of a new generation. While *Gatsby* told of the “roaring 20s” before prohibition, Kerouac's *On the Road* told of youthful rebellion, alienation and a great deal of experimentation with drugs. Later, Thompson would pen his lamentation for the loss of the dream in a largely autobiographical story about a journalist who travels across the country in search of a dream he never finds and in search of a time that's been relegated to the past.

This idea of the literary connection to the “American Dream,” the prominent theme of “the dream” in literature heavily concerned with drug use and drug addiction and the symbolism of drugs in the loss of the war on drugs will follow in the next chapter.



Kerouac's rise to prominence as a Beat writer led to him actually coining the term by which the generation would subsequently identify. Lee writes:

The term came from an offhand remark by Kerouac, who despondently told a friend in 1949, "I guess you might say that we're a beat generation." The word had a dual connotation in keeping with the culture of doubles associated with cannabis: *beat* implied beaten down and it also meant "beatific, to be in a state of beatitude like St. Francis, trying to love all life," Kerouac insisted. It could refer to someone who was beaten up or upbeat or both...The beats were "subterraneans," self-selecting outcasts who became internal exiles.

The man himself "came from the exotic. Born in 1922 in Lowell, Massachusetts, he was an American of French-Canadian and Mohawk-Caughnawaga Indian extraction". Kerouac "had a rebellious soul which would not accept the safe basis of the American way of life...he became a wanderer, describing himself as a strange, solitary, crazy, Catholic mystic" (Booth loc. 3799).

*On the Road*, "told from the point of view of two desperados who had opted out of the American Dream" is "a rhapsodic tour-de-force of male-bonding, girl-chasing, drug-induced visions and nonstop chatter, ending up in a Mexican whorehouse where they smoked huge spliffs of reefer rolled from newspaper" (Lee 67). Further, Izant writes that in Kerouac's novel:

In its ability to bestow industriousness and enlarge the scope of possibilities, amphetamine is in many ways the quintessential drug of the American Dream. Appropriately, *On the Road*, and most of all Neal, embodies the quest for the American Dream, and its concomitant goals of wealth, happiness, and success. Amphetamine also brings these results, its

dopaminergic flooding of the brain's reward pathways creating feelings of intense euphoria (Cox, et al. 157; Iversen 17). Not surprisingly, the search for the American Dream in *On the Road* is transformed into the pursuit of pleasure, whether in jazz, drugs, sex, or a fast car. The fulfillment of self, which Neal calls "IT," is the ultimate purpose he and Jack are always racing towards (42).

The response to the novel was overwhelming. Joyce Johnson was with Kerouac on the day that *The New York Times* reviewed his book: September 5, 1957. She notes in her memoir *Minor Characters* that "Jack lay down obscure for the last time in his life. The ringing phone woke him next morning and he was famous" (qtd. in O'Hagen). The review had called it: "the most beautifully executed, the clearest and the most important utterance yet made by the generation Kerouac himself named years ago as 'beat,' and whose principal avatar he is" (Millstein). Gilbert Millstein drew parallels between Hemingway and Kerouac, saying that *The Sun Also Rises* was the "testament of the Lost Generation" in the same that he predicted *On the Road* would be for the Beats, noting that otherwise the books had almost nothing in common, calling Hemingway and Kerouac "at the very least, a depression and a world war apart".

Additionally, Millstein speaks of what he calls the "stigmata" of the Beat Generation, saying of these young poets' and writers' motivations:

Outwardly, these may be summed up as the frenzied pursuit of every possible sensory impression, an extreme exacerbation of the nerves, a constant outraging of the body. (One gets "kicks"; one "digs" everything, whether it be drink, drugs, sexual promiscuity, driving at high speeds or absorbing Zen Buddhism

Though, he notes that “inwardly, these excesses are made to serve a spiritual purpose, the purpose of an affirmation still unfocused, still to be defined, unsystematic. It is markedly distinct from the protest of the “Lost Generation” or the political protest of the “Depression Generation”. He notes that most of all: “the Beat Generation was born disillusioned; it takes for granted the imminence of war, the barrenness of politics and the hostility of the rest of society...It does not know what refuge it is seeking, but it is seeking” (Millstein).

In a recent review celebrating the book’s 50<sup>th</sup> anniversary, *The Guardian* newspaper’s Sean O’Hagen writes: “Challenging the complacency and prosperity of postwar America hadn’t been Kerouac’s intent when he wrote his novel,’ his first biographer, Ann Charters, later wrote, ‘but he had created a book that heralded a change of consciousness in the country.’ In the few years following its publication, *On the Road* became a major bestseller... ‘It changed my life like it changed everyone else’s,’ Bob Dylan would say many years later... It would be hard to imagine Hunter S Thompson’s deranged Seventies road novel, *Fear and Loathing in Las Vegas*, had *On the Road* not laid down the template” (O’Hagen).

The rise of a counterculture that included drugs heavily as part of its literary and other artistic productions helped to move drugs into the mainstream consciousness, but more notably, the use of drugs as a literary device or as a complex symbol that stood in for other things including feelings and other concepts challenged people to look deeper at drugs and to reevaluate their place in our consciousness. Now, the drugs weren’t being used as a plot point – as an external substance that caused people to go from docile young people to manic fiends – but rather to signify a host of internal elements and sentiments experienced as a generation. At this point, the drugs functioned in the narrative as a means of rebellion, and as a token of alienation from a greater society. *On the Road* is not the tale of people who use drugs and the effects of the

drugs, rather the drugs themselves are used as a device or a vehicle in the novel. The evolving place of drugs in the narratives will be explored in relation to other famous drug-related novels by Hunter S. Thompson, Hubert Selby Jr. and Irvine Welsh and their subsequent film adaptations by Terry Gilliam, Darren Aronofsky and Danny Boyle respectively.

The significance of the rise of drugs in the greater cultural consciousness is notable in terms of what Foucault labelled as “discursive formations” in *The Archaeology of Knowledge*. For Foucault, Archaeological analysis involves “the set of rules which at a given period and for a given society define . . . the limits and forms of the sayable” (DP 59) and Sara Mills defines discursive formations in a broader sense as

groups of statements which deal with the same topic and which seem to produce a similar effect; for example, they may be groups of statements which are grouped together because of some institutional pressure or association, because of a similarity of origin, or because they have a similar function. They lead to the reproduction of other statements which are compatible with their underlying presuppositions (64).

It’s notable therefore that during the time period of the beat generation, new discursive formations brought about by the subversive actions of writers such as Allen Ginsberg challenged the censorship that was in place, and challenged the regime of truth strongly enforced by Anslinger’s Federal Bureau of Narcotics:

Ginsberg believed that the U.S. government prohibited cannabis, a consciousness-altering botanical , as a means of enforcing conformity among its citizens.

Conformity of consciousness, the most insidious kind of conformity, had become a hallmark of Cold War America. The crusade against cannabis resembled and

reinforced the 1950s anti-Communist crusade. During this period, there was little public debate about marijuana. Scholars and social scientists were reluctant to address the subject. Marijuana was never mentioned in Hollywood films without Commissioner Anslinger's approval. To question the probity of pot prohibition—or the self-righteousness of anticommunism— was to invite public ridicule and scorn (Lee 70).

Thus, a counterculture comprised of artists that expressed their alienation and rebellion in their work as part of the cultural zeitgeist of the era are notable in the ways in which they expand the “sayable”, and diversify the existing discursive formations in an era when depictions of marijuana was policed and censored in motion pictures by the FBN, the writers challenged norms and invited the scorn of the establishment. These challenges to the regime of truth occurred on the cusp of a wave that would bring drugs into the consciousness – before, as Thompson says in the next section – breaking back and being once again replaced by notions of order from an establishment scrambling to reassert itself after years of unrest and rebellion from a discontented younger generation.

### 3.2 The 1960s: Drugs, Dreams and the Counterculture

Following the emergence of this defeated or beat, alienated group of people in the 1950s, counterculture exploded onto the scene in the 1960s. The “hippies” spoke out for free love, and drugs came to be seen as important for mind expansion. In *The American Disease* Musto notes that by this time

the grandchildren or great-grandchildren of those who knew about drugs, carried into the 1960s no direct knowledge of narcotics but had heard

exaggerations about them that were in fact minatory rather than informative. Indeed, new generations not only lacked information gained firsthand sixty years earlier, but by and large had little awareness that there had been an earlier, extensive experience with morphine, heroin, and cocaine (245).

A new generation would begin experimenting with drugs, and changing the views of the nation as a whole just after the retirement of drug crusader Harry Anslinger. The new users of the 1960s probed deeper than the ignorance surrounding drugs, especially marijuana, of the previous era and a new surge in popularity, interest and consumption was unfamiliar to those who'd gone to great pains to reinforcing intolerance and fear of drugs (246). Musto interviewed Anslinger who said: "Years ago, when I started arresting possessors of narcotics, I was a hero; now the public thinks I'm a rat. Yet, I'm doing exactly the same thing I have always been doing. I don't understand it" (247). As Dylan would sing, the times they were a changin' and drug use in America was on a seemingly irrevocable path to larger tolerance and perhaps even decriminalization during the ensuing decades before Reagan and Bush declared yet another incarnation of the drug war and once again reaffirmed a commitment to incarceration and demonization.

The 1960s ushered in a period of fear about the effects of Lysergic acid diethylamide (LSD) or "acid" and similar propaganda – again in the form of news articles – presented the new LSD menace.

"Under the influence of LSD," read a June 17, 1966 article from Time magazine, "nonswimmers think they can swim, and others think they can fly. One young man tried to stop a car ... and was killed. A magazine salesman became convinced that he was the Messiah. A

college dropout committed suicide by slashing his arm and bleeding to death in a field of lilies" (qtd in Goode and Ben-Yehuda loc. 3217-9).

Articles about the nightmare associated with LSD included reports of "Psychic terror, uncontrollable impulses, unconcern for one's own safety, psychotic episodes, delusions, illusions, hallucinations, and impulses leading to self-destruction: these formed the fare of the early articles on the use of LSD" (loc. 3224-5).

While this fear was being propagated, Tom Wolfe's *The Electric Kool-Aid Acid Test* told of the procurement and the trippy cross-country trips of a psychedelic school bus, yet another road narrative odyssey, this time with noted postmodernist writer Ken Kesey of *One Flew Over the Cuckoo's Nest* fame and his band of Merry Pranksters who experimented heavily on LSD, reminiscent of Dr. Timothy Leary's famous refrain: "turn on, tune in, drop out" (Lee and Shlain 89).

Once again, we witness the emergence of yet another drug menace, and the cycle of moral panic repeating itself. In a time where drugs stood in for a method of mind-expansion, younger generations sought to contextualize their experiences with substances vs. established narratives that were crumbling and fading away. As people became more interested, and comfortable using drugs, and as they found themselves removed from the experience and fear of the earlier generations, drug use absolutely exploded. The GDP of the United States doubled between 1960 and 1970, allowing people to afford more of what they wanted, including drugs, as the "baby boomer" generation who were born post-WWII came of age and started to try drugs for themselves. In the era of the incredibly unpopular Vietnam war, drug use came to be seen as a rejection of traditional values, and underscored the widening gulf of a clearly defined generation gap (Musto 247).

The present period in the “war on drugs” (Nixon’s war – today) represents an attempt to resume control over the problems associated with drugs through the use of law enforcement and prohibition is a return to the outmoded and ill-conceived actions of Anslinger’s puritan prohibition mindset that was falling out of fashion with the average American as early as the end of the Second World War. The Nixon Administration was elected on a pledge to return law and order after youthful rebellion against the Vietnam War, and other protests which manifested during riots such as the May Crisis of 1968, represents a “right-shift” in the war on drugs, a punitive turn that would culminate in heightened war rhetoric, divisive policy decisions and mass-incarceration during subsequent presidencies.

### 3.2 Savage Journeys of Drug Experimentation

After the literal and figurative “high” of the 1960s burnt out, there seemed to be a sense of disillusionment and anger that coincided with the Vietnam War. Notably, journalist Hunter S. Thompson would capture this sense of whimsical lamentation for the bygone era of the 60s by recounting his drug-addled journey to find the American Dream – and of what happened when he realized it had been lost. In *Fear and Loathing in Las Vegas, a Savage Journey to the Heart of the American Dream* the journey itself refers to the ride that Thompson and his illustrator Ralph Steadman took from Hollywood to Las Vegas in 1971. The resulting story was published in serial form in *Rolling Stone* magazine and has been published in novel form and has become one of Thompson’s most famous works as well as a cult film starring Johnny Depp and Benicio Del Toro. The opening notably shows the two of them whizzing through the desert in a red convertible. Depp, imitating Thompson’s trademark voice says the opening line of the novel: “we were somewhere around Barstow on the edge of the desert when the drugs began to take



hold” (Thompson “Fear and Loathing” 1) – from then on the hallucinogenic, hysterical, hyperbolic journey to find the American Dream in Sin City is kicked into full gear.

Thompson was the famous maverick journalist who invented his own form of “gonzo” journalism. His first collaboration with the illustrator Ralph Steadman was in “The Kentucky Derby is Decadent and Depraved,” a piece the pair teamed up on for *Scanlon’s Monthly* magazine. Originally sent to cover the 1970 Kentucky Derby, Thompson instead painted a picture of himself covering the derby, in a manic, first-person subjective style that came to exemplify his quirky, trademark style. He told of the overindulgence, alcoholism and lewdness of Kentucky colonels in full costume and the shenanigans of the Derby and the piece remains one of his most well-known articles.

Thompson’s observations about the counterculture of the 1960s, the rise of the War on Drugs and a lamentation for a time when anything seemed possible combine in this tale of a failed search for the American Dream. It’s notable that *Fear and Loathing in Las Vegas* was published in the same year that Nixon would declare war on all the drugs. Thompson had some choice words of his own about Richard Nixon:

When I proposed that book on “The Death of the American Dream” back in 1967 and then rushed off to cover the first act of Nixon’s political “comeback” in the ’68 Hampshire primary, my instinct was better than any of us knew at the time – because the saga of Richard Nixon *is* the death of the American Dream. He was our Gatsby, but the light at the end of his pier was black instead of green...Whoever writes the true biography of Richard Nixon will write the definitive book on “The American Dream” (“Fear and Loathing in America” 721).

Thompson's drug-fuelled odyssey across America owes a large debt to Kerouac's road novel and would be just one of several nods to the idea of the American Dream that run throughout counterculture literature involving drugs and drug experimentation. It was published just a few short years after the rise of New Journalism and works such as *On the Road* by Kerouac. Thompson notes "Jack Kerouac influenced me quite a bit as a writer . . . in the Arab sense that the enemy of my enemy was my friend. Kerouac taught me that you could get away with writing about drugs and get published. It was *possible*". (Paris Review) Another early influence with respect to this specific idea of the American Dream was F. Scott Fitzgerald and his most famous novel, *The Great Gatsby*. Published in 1922, Fitzgerald's novel also takes a critical look at the loss of the American Dream. Thompson would type sections from the book, word for word, because he wanted to "feel what it would be like to have written something like that" (Bibb qtd. in Wenner).

In his quest to chronicle the American Dream (which he was ultimately unable to find), Thompson invested in an array of psychotropic substances, he writes:

The trunk of the car looked like a mobile police narcotics lab. We had two bags of grass, seventy-five pellets of mescaline, five sheets of high-powered blotter acid, a salt shaker half full of cocaine, and a whole galaxy of multi-colored uppers, downers, screamers, laughers and also a quart of tequila, a quart of rum, a case of Budweiser, a pint of raw ether and two dozen amyls...Not that we needed all that for the trip, but once you get locked into a serious drug-collection, the tendency is to push it as far as you can (Thompson "Fear and Loathing")

For him, their odyssey represented something deep and meaningful, the search for the American Dream in Las Vegas. He writes:

our trip was different. It was a classic affirmation of everything right and true and decent in the national character. It was a gross, physical salute to the fantastic possibilities of life in this country – but only for those with true grit. And we were chock full of that.

Finally, Thompson sums up the feeling and energy of the 1960s, the loss of which he is lamenting in 1971 in his unrequited search for the American Dream in what he calls “The Wave Speech”. In the documentary *Breakfast with Hunter* (Ewing) there is a discussion with the initial writers/directors of the film version of *Fear and Loathing in Las Vegas*. They suggest that the sequence should be animated, with Thompson riding on an actual “wave”. He vehemently disagrees with the idea of putting a “cartoon” in his piece and refers to this section of the novel as one of the best things he’d ever written (Ewing qtd. in Wenner). In this famous section, he says:

There was madness in any direction, at any hour. If not across the Bay, then up the Golden Gate or down 101 to Los Altos or La Honda... You could strike sparks anywhere. There was a fantastic universal sense that whatever we were doing was right, that we were winning. And that, I think, was the handle – that sense of inevitable victory over the forces of Old and Evil. Not in any mean or military sense; we didn’t need that. Our energy would simply prevail. There was no point in fighting – on our side or theirs. We had all the momentum; we were riding the crest of a high and beautiful wave. So now, less than five years later, you can go up on a steep hill in Las Vegas and look West, and with the right kind of eyes you

can almost see the high-water mark – that place where the wave finally broke and rolled back (Thompson 68).

This sense of being part of something explains the energy that was alive during the 1960s. The “hippie” era was one of drug experimentation, and as Thompson says the sense that they were “winning” in their quest to challenge the old establishment.

Thompson’s work is notable as to the idea of drugs in the cultural consciousness because it comes right at the end of the hippie zeitgeist which gave way to the 1970s and the current era of the War on Drugs. In the novel, Thompson attends a District Attorneys conference and discusses the new order of drug policy, ultimately failing to find the American Dream in Las Vegas, the implication being that it’s ultimately lost.

The transition between the 1950’s and the 1960’s marked a shift from a cold war with communism and a “red scare” to actual armed conflict and war in Vietnam. People began to think much more critically about the use of drugs and about the accepted narratives. Up to this point, this exploration, largely historical, has concerned itself with the organization of systems of thought, or as Foucault would call them established “*épistémés*”. We have been able to trace the rise of the counterculture and the ways in which separate discursive formations were put in place, and ways in which others rose to challenge the dominant regimes of truth. These established modes of thought were, as demonstrated, drawn along heavily racial lines and based not on evidence but on fear. As the history of the twentieth century unfolded, and the proceeding generations found themselves drawn to chemical substances and while they were reflecting on the effects of two world wars, the great depression (and internal depression) and in general becoming disillusioned with established regimes of truth, they began to offer drugs a prominent

place as part of their experience. In response, as mentioned, a new war on drugs was waged in the United States in 1971.

During the previous decade in which drug use became much more widespread and conspicuous than ever before, drug arrests “went from 18,000 in 1965 to 188,000 in 1970. A national survey in 1971 estimated that 24 million Americans over the age of 11 had used marihuana at least once. The highest incidence was among 18- to 21-year-olds, of whom 40 percent had tried marihuana” (Musto 248).

With drug use on the rise and youthful protest and alienation at an all-time high, Nixon was elected on a platform of law and order and specifically on the promise of restoring it among the younger generation. As Musto notes: ‘No President has equalled [sic] Nixon's antagonism to drug abuse, and he took an active role in organizing the federal and state governments to fight the onslaught of substance abuse’ (248). Under this newly waged war, spending on drug abuse prevention rose from \$59 million in 1970 to \$462 million in 1974 (215). Money was also earmarked to address the prevalence of addiction by the newly formed Special Action Office for Drug Abuse Prevention (SAODAP):

The early 1970s brought an explosion in treatment facilities. SAODAP stimulated an increase in the number of cities with federally funded programs from 54 to 214 in the first 18 months of operation. From 20,000 clients in these programs in October 1971, the number climbed to over 60,000 by December 1972. Programs for methadone clients either funded federally or otherwise, were enrolling 80,000 persons by October 1973, just over two years after SAODAP's creation (253).

Also at this time, those who were drafting policy for Nixon's government found themselves faced with an interesting challenge in that they were tasked with ranking popular drugs in order of dangerousness, at which point some of the myths that had been propagated since the 1930s began to unravel (Musto 253). Musto asserts that it was thus discovered that "The history of drug laws in the United States shows that the degree to which a drug has been outlawed or curbed has no direct relation to its inherent danger" (254). Additionally, policymakers were faced with a challenge in trying to re-orient their drug policy in relation to actual drug dangerousness when the truth was that

They were burdened by the fact that negative characterizations that had developed during the concluding, intolerant phase of the previous wave of drug use were so extreme. Left over from the 1930s, for example, was an image of marihuana far worse than its acknowledged adverse health effects (254).

Finally, the most glaring inconsistency was the double standard of dangerousness and legality that existed with tobacco and alcohol. Policymakers realized that "if the dangers of drugs were to be ranked according to deaths linked to their use, tobacco and alcohol would head the list...The first Federal Strategy for Drug Abuse and Drug Traffic Prevention (1973) granted the problems caused by alcohol and tobacco but argued that the federal anti-drug effort was primarily intended to attack illicit drugs and, furthermore, that alcohol and tobacco are deeply ingrained in American "social rituals and customs" (254).

While this explanation attempts to give cigarettes and alcohol a pass based on cultural significance of the time, the same can be argued for drugs and for addicts. Drug use is incontestably bad for an individual and while the negative effects decimate lives and families –

drugs are arguably every bit as ingrained in “social rituals and customs” and, to an even greater extent, inherent in our biology. The following section examines some of the ways in which drugs and drug addiction are also deeply ingrained in our consciousness, perhaps even associated with American identity.

In addition, another double standard or hypocrisy that Foucault underscores in his conclusion to *Madness and Civilization* is the connection between madness and art, and to a greater extent the way society “identifies with madness in the high arts” (Hunton 4). Foucault argues that the frequency with which “works of art explode out of madness” (MC 286) need to be accounted for. Hunton contends that Foucault “maintains the notion that it is nothing less than hypocrisy when our society defines itself by the achievements of “madmen” and at the same time condemns madness as an entity and in itself as a debilitating force to the modern mode of life” (4). Thus, a society that has devoted itself to identifying, segregating and treating “madness” at the same time reflects a culture that was comprised of works by mad authors, painters and philosophers including Sade, Nietzsche and Van Gogh to name a few. To the extent to which madness was a construct within society, the argument is that “the art is glorified beyond the fact of the artist’s insanity” and that “madness does not walk on its own feet into permissibility in our society: it rides on the shoulders of the artist” (Hunton 4). Foucault ends *Madness and Civilization* with a meditation on the way society “justifies itself before madness” through art, saying:

The world that thought to measure and justify madness through psychology must justify itself before madness, since in its struggles and agonies it measures itself by the excess of works like those of Nietzsche, of Van Gogh, of Artaud. And nothing in itself, especially not what it can

know of madness, assures the world that it is justified by such works of madness (*MC* 289).

An exploration of cultural products involving drugs that have made their way into our collective “pop culture” bears a discussion of the ways in which society, which has created panics and scares about drugs, also justifies itself through drug use and depictions of drug use. The works discussed in this thesis include canonical works of literature (such as *On the Road*) and notable popular books and movies. So, we can live in a world where drug users are locked up and treated as an abject other, yet we can gaze on the drug addict and see his experience through literature and art. We can sing along to tunes that were influenced by, or explicitly reference drug use including *The Hotel California* (THC), and *Lucy in the Sky with Diamonds* (LSD). In fact, these generational differences and notions of hypocrisy therein are the subject of Jefferson Airplane’s *White Rabbit*, which notably begins: “One pill makes you larger and one pill makes you small / and the ones that mother give you don’t do anything at all” (qtd. in Rufo 143). Composer Grace Slick noted that *White Rabbit*

Was directed at parents ‘because all the stories they read to us involved drugs.’ Stories of Peter Pan sprinkling magic dust and the hookah-smoking caterpillar in *Alice in Wonderland*...taught that chemicals would open up new adventures. So it was hypocritical, she thought, to putdown drug use – especially when parents were drinking their own damaging drug, alcohol (Rufo 144).

In the same way that Foucault contextualized madness in art, this thesis analyzed some notable depictions of drug use and addiction in order to conceive of drugs in art, and the function they play contrasted against a period of moral panic, prohibition and incarceration.



Elwood notes that at the time he wrote *Rhetoric in the War on Drugs*, two very famous slogans at the time were Nancy Reagan's "Just Say No" and Nike's "Just Do It" (loc. 35). He notes the ways in which Americans were implored to refuse *illegal* drugs while encouraged to consume painkillers such as aspirin or Advil and to procure a host of prescription medications from pharmaceutical companies and consume coffee, alcohol and cigarettes (loc. 45).

The presence of drugs in our cultural products and their tacit acceptance in some forms and strong prohibition in others begs a new contextualization of these substances in our collective consciousness. The fact that these substances, at once so reviled and so firmly cracked down upon abound in our art and culture shows that separating notions of drugs and addicts is not as easy as just saying no.

## Chapter Four: The Addict in the Contemporary Drug War

### 4.1 Literary/Film Representations

Under the new era of the drug war, more notable examples exist of the War on Drugs embodying the loss of the American Dream and ideas of being an individual with a drug addiction in today's society, which can be contrasted with Foucault's discussion of the mentally ill and juxtaposed against Maté's work with drug addicts and his observations about the contemporary experience of addiction . The stigma regarding addiction and the harsh penalties for drug possession and the images of drug use are additional narratives about drugs and other representations of the space that drugs occupy in our collective consciousness, alternate depictions and the product of a new counterculture *épistémé* in the 70s and 80s and then again in their respective film adaptations which were able to visually depict the experience of drug users and addicts in a new and provocative way. Hubert Selby Jr.'s *Requiem for a Dream* (1978) and

its adaptation directed by Darren Aronofsky (2000) and Irvine Welsh's *Trainspotting* (1993) and Danny Boyle's film version (1996) depict the experience of the drug user/addict in the modern war on drugs age. Both present a striking contrast between the actual experience of the individual and their sense of what is going on around them, and both, one American and one Scottish, present a vision of everyday life and characters that have their mind set on American Dream-like aspirations in which drugs are involved.

## 4.2 Drugs and the Dream

*"I believe that to pursue the American Dream is not only futile but self-destructive because ultimately it destroys everything and everyone involved with it. By definition it must, because it nurtures everything except those things that are important: integrity, ethics, truth, our very heart and soul. Why? The reason is simple: because Life/life is about giving, not getting"*

- Hubert Selby Jr., Author, *Requiem for a Dream* (vii)

Selby's book and Aronofsky's film, both titled *Requiem for a Dream* explore the self-imposed destruction of several individuals who are addicted to various substances. Harry and his friend Tyrone have a dream of procuring a copious amount of pure heroin and selling it but wind up hoisted on their own petard when a series of unfortunate events leads to them using their own product and unable to finance their drug business. Harry loses an arm to infection due to his heroin use and Tyrone ends up in prison. Marion, Harry's girlfriend, eventually turns to prostitution when her aspirations go south, and Harry's mother Sara, addicted to television and later to diet pills is driven mad, given electroconvulsive therapy and entirely destroyed by her dedication to losing enough weight to fit into her favourite red dress to appear on an infomercial-style show that she watches ceaselessly.

The film adaptation relays the experience of drug use in a visually-stimulating fashion using a series of quick-cuts that Aronofsky refers to as “hip-hop montages,” which are:

quickly cut, fast-motion, extreme close-up shots of actions that would usually take an extended amount of time but are depicted in a few seconds. These montages are cut with exaggerated nondiegetic sound effects that slightly resemble the actual sounds of the action happening... When a character shoots up, a hip-hop montage is used: extreme close-up shot of the pills or stash, cut to the fix, cut to the actual intake, cut to the chemical reaction in the body, cut to the eyes dilating, repeat. ... this may be disorienting for the viewer because hip-hop montages abruptly break the pacing of the narrative each time they are repeated—and they are repeated often—and they expose the viewer to the drug intake experience in an instant flash before returning immediately to the narrative world (Domingo 3).

The self-destructive characters in the story find themselves ensnared by the false-promises of the American Dream. Sped-up sequences show the mind-numbing effects of being high, yet the consequences remain present when the users come down from their substances of choice. This shows the link between consumption and instant gratification, but presents the sensation of intoxication as fleeting, moving very quickly and ultimately fading out, leading the person to struggle to find another means to get high again. The New York Times review of the film sums up the thesis of the novel and the premise for Aronofsky’s film: “the real drug we’re all hooked on is the American Dream, with its promises of big cash paydays and fame and eventually happiness, which can all no doubt be found around that same corner where prosperity is said to

lurk” (Mitchell). Of the film version, Aronofsky says: “ultimately, *Requiem for a Dream* is about the lengths people will go to escape their reality and that when you escape your reality, you create a hole in your present because you’re not there. You’re chasing off a pipedream in the future” (Domingo).

Similarly, in the preface to his novel, the author of *Requiem for a Dream*, Hubert Selby Jr. presents his own thesis, which is complemented by Aronofsky’s vision in the film:

This book is about four individuals who pursued The American Dream, and the results of their pursuit. They did not know the difference between the Vision in their hearts and the illusion of the American Dream. In pursuing the lie of illusion, they made it impossible to experience the truth of their Vision. As a result everything of value was lost (vi).

In contrast, *Trainspotting* serves as a chronicle of individuals who give up on the quest for the supposed spoils of a life spent in attainment of the dream, because for the individuals in the novel and its film adaptation, heroin presented a much more appealing alternative.

### 4.3 Choose Life

Irvine Welsh’s novel *Trainspotting*, a take on heroin addiction and its consequences recounts the experience of a group of junkies in Scotland and their alternating attempts to get high, make money though means that are sometimes licit and sometimes illicit and even the odd attempt to kick the habit that usually results in relapse, in spite of their offered assurances that in each case, the attempt in question will ultimately end in their successful recovery. Mark Renton, portrayed by Ewen McGregor, offers the “choose life” speech in the first lines of the film:

Choose Life. Choose a job. Choose a career. Choose a family. Choose a fucking big television, choose washing machines, cars, compact disc players and electrical tin openers. Choose good health, low cholesterol, and dental insurance. Choose fixed interest mortgage repayments. Choose a starter home. Choose your friends. Choose leisurewear and matching luggage. Choose a three-piece suit on hire purchase in a range of fucking fabrics. Choose DIY and wondering who the fuck you are on Sunday morning. Choose sitting on that couch watching mind-numbing, spirit-crushing game shows, stuffing fucking junk food into your mouth. Choose rotting away at the end of it all, pissing your last in a miserable home, nothing more than an embarrassment to the selfish, fucked up brats you spawned to replace yourselves. Choose your future. Choose life... But why would I want to do a thing like that? I chose not to choose life. I chose somethin' else. And the reasons? There are no reasons. Who needs reasons when you've got heroin? (Internet Movie Database: Trainspotting Quotes)

This presents the life of an individual with an addiction as a critical choice, that one can choose the responsibilities and challenges of everyday life. And, when asked *why*, he articulates that one does not need reasons for their actions because one has heroin instead.

There is a large amount of discussion as to the extent to which addiction is a “choice,” in terms of whether the person can choose to be addicted or not addicted. In this sense though, addiction is presented in a choice between a lifestyle of materialism, consumerism, health, economy and family or simply choosing heroin instead. Although this novel is from a Scottish author, the idea of living a stable life with all the above worries and economic implications is

similar to that of the American Dream. For Welsh, you can either choose these things or you can choose to consume the facets of the dream or opt for heroin in lieu of these trappings.

In various ways, drugs are represented in a similar fashion to the elusive American Dream itself. The characters (and in some notable instances the authors as well) use the drugs for different reasons, as a means of rebellion and expression, as a way to alter perceptions, as a gateway to making a fortune and living the American Dream and finally as a form of escapism *from* the dream. In each instance, the consensus seems to be that the American Dream is as imaginary as the high one receives from the drugs. The individuals, afflicted by addiction and alternate aspirations as to the possibilities in their life, walk a thin line between perception and reality and in every case the bleak nature of the reality of a world post-drug war involves a loss of the sense of possibility and a cold reminder of the experience of a drug addict.

Since Nixon's declaration of war in 1971, subsequent presidents have done a good job of tying addiction to crime (Dufton). For the purposes of analyzing the ways in which this has occurred, Foucault's work on the mentally ill is contrasted with Maté's more modern depiction of the addict in the following section.

#### 4.4 Foucauldian Notions of Madness and the Modern Experience of the Addict

Foucault did not write extensively on addiction or drug use, nor did he devote time to the discussion of the addict as an "other"; however, much of his writings on madness and the shift in consciousness that allowed classical "madness" to be seen as "mental illness" and the efforts to confine and segregate individuals with mental illness from the rest of society form a useful lens

through which to view the addict. There is a great deal of discussion as to the extent to which addiction should be treated as a mental illness. For the purposes of this thesis, addiction and the addict will be analyzed in a similar fashion to which Foucault analyzes mental illness and the “mad” individual.

In *Madness and Civilization*, Foucault traces the way in which mental illness came to be conceptualized from medieval and renaissance times towards the classical age. In the introduction to this work, Barchillon writes that Foucault seeks to establish the way in which the “mentally ill person [became] a subhuman and beastly scapegoat” (MC vii). Foucault discusses what he calls “reason’s subjugation of non-reason” (ix). Beginning with an examination of the prevalence of leprosy across Europe and the establishment of countless “lazar-houses,” Foucault traces the origins of confinement. After leprosy was largely cured in Europe, he notes the way in which “poor vagabonds, criminals, and “deranged minds” would take the part played by the leper” (MC 7).

Madness came to be associated with *unreason* in the sense that the individual who was mad came to embody the antithesis of everything that was considered to be reasonable and socially acceptable. Foucault writes:

[Madness] symbolized a great disquiet, suddenly dawning on the horizon of European culture at the end of the Middle Ages. Madness and the madman become major figures, in their ambiguity: menace and mockery, the dizzying unreason of the world, and the feeble ridicule of man” he also says that “stigmatizing vices and faults” are no longer attributed to “pride, to lack of charity, to neglect of Christian virtues but to a sort of great unreason for which nothing, in fact, is exactly responsible, but which

involves everyone in a kind of secret complicity. The denunciation of madness (*la folie*) becomes the general form of criticism (13).

In the same way, drug addiction has come to take the place of “madness” in this sense – individuals are scapegoated as the abject enemy other in a “War on Drugs” and drugs themselves come to represent a great unreason because of the moral panic surrounding them and because of the efforts to demonize the user and the addict as somehow under the spell of demonic substances (as Anslinger attempted to do). Individuals who use drugs are relegated to the fringe of society by people who see drugs and drug use, or the subculture associated with them, as highly unreasonable, immoral, and subject to punishment in the same way that individuals with addiction problems are sentenced to harsh prison sentences and mandatory minimum sentences that force judges to disregard mitigating factors including an individual’s situation.

Similarly to the way that Foucault discusses the intersection between madness and morality, the prohibition-era promotion of temperance and abstinence as virtues led the addict to be demonized as licentious, weak to the throes of addiction and the subject of a great deal of moral panic. Foucault writes:

To the moral world, also, belongs the *madness of just punishment*, which chastises, along with disorders of the mind, those of the heart. But it has still other powers: the punishment it inflicts multiplies by nature insofar as by punishing itself, it unveils the truth. The justification of this madness is that it is truthful. Truthful since the sufferer already experiences, in the vain whirlwind of hallucinations, what will for all eternity be the pain of punishment (*MC* 30).



The addict wears the effects of his punishment on his body and on his soul in the same way that the mad individual does, and like the mass incarceration that occurs today with the war on drugs, Foucault speaks of another “great confinement” of the mentally ill that occurred in the seventeenth century. He describes the way in which the poor and indigent came to take the place of the lepers, and that “more than one out of every hundred inhabitants of the city of Paris found themselves confined” (MC 38). This notion of locking up individuals who were mentally ill also discusses the creation of a space where “morality castigates by means of administrative enforcement” (MC 60) similar to the environment of the modern prison that comes to take the place of brutal corporal and capital punishment. Between the 17<sup>th</sup> and 18<sup>th</sup> century Foucault writes that “one-tenth of all arrests made in Paris...[concerned] ‘the insane’, ‘demented’ men, individuals of ‘wandering mind; and ‘persons who have become completely mad’” including people who were imprisoned for a “derangement of morals” (MC 65-6). Foucault traces the idea of excess in the fourth chapter of *Madness and Civilization* entitled “Passion and Delirium,” he quotes François Boissier de Sauvages who wrote: “the distraction of our mind is the result of our blind surrender to our desires, our incapacity to control or to moderate our passions. Whence...these depraved tastes...these excesses in eating, in drinking, these indispositions, these corporeal vices which cause madness, the worst of all maladies” (MC 85). In the same way, drug abuse is seen as an inability to control “corporeal vices,” and a blind surrender, an inability to mitigate one’s own desires.

In *History of Madness*, Foucault’s longest work and the full version from which *Madness and Civilization* is taken, Foucault posits that in telling the history of madness “we could write a history of *limits* – of those obscure gestures, necessarily forgotten as soon as they are accomplished, through which a culture rejects something which for it will be the Exterior.” (HM

xxix) and thus, Colin Gordon argues that “the history of madness is enframed here as a series of episodes within a wider, multiple history of limits and exclusion” (90). He refers to this with respect to R.I. Moore’s *The Formation of a Persecuting Society* where he describes the concurrent emergence and intensification from the eleventh century of practices and policies to “detect, stigmatize, pursue, persecute and segregate a number of persons considered dangerous to communal well-being and order, including heretics, Jews, lepers, male homosexuals, and female prostitutes” (Gordon 90). Moore argues that “in the history of power, persecution was part of the process of intensification” (qtd in Gordon 90). In a 1981 interview, Foucault articulates his goals in terms of the notion of exclusion in relation to madness in a way that can very clearly be connected to the experience of the drug addict:

The institutional practice through which one sees the question of truth taking shape in relation to madness is internment or hospitalization. The question of the history of madness is the relation between exclusion and truth. In the case of criminality, the problem was the institution of the prison as not simply exclusion, but as correctional procedure. Here it is through the project of reform and rehabilitation of the prisoner that the question of truth poses itself” and he identifies series of notions, including “Exclusion-madness-truth” and “Correction-prison-truth” (qtd. in Gordon 94).

This presents a central focus of this thesis – the relationship between exclusion and truth. The interplay between the notion of *excluding* individuals with addiction, as casting them as the abject other – and the moral and political reasons society professes to do this “for the common good” using rhetoric and propaganda as key components – and the truth of the experience of an individual who is addicted: why they are addicted, their singularity, and their relation as the enemy or “Other” in a war declared along racial lines and highly politicized which Foucault

delineates in *Society Must Be Defended*. In this way, war remains a continuation of politics, and representations of the relationship between exclusion and truth propagate the image of the addict and in many cases encourage exclusion from society based on it.

So, with respect to this relationship between exclusion and truth in the experience of the mentally ill and the addicted, Foucault seeks to prove that madness is a “variable social construct, not an ahistorical scientific given” (Gutting 50). In the same way, the social construction of the addict as alternating between patient and prisoner seeks to present a truth that fuels exclusionary practices, and modes of not only exclusion but confinement, in ways that were once considered acceptable for the mentally ill, but as Foucault mentions in the rise of the asylum and furthermore a recent emphasis on community-based method for mental health care and treatment, confinement as it was in the past would not be considered acceptable treatment of individuals with mental illness yet it continues in alarming numbers for drug users. In the same way that Gutting contends a classical notion of unreason occupied a “nonexistent middle ground between freely chosen criminality and naturally caused illness” and poses a critical, dichotomous question: “If the mad and their partners in unreason have acted freely against the social order, why, we ask, are they merely confined and not punished like other offenders? If they are not sufficiently responsible to merit punishment, why are they not treated like the ill, as innocent victims of natural forces?” (58). In the same way the addict has come to walk a line toward being punished and being ill – something that will be discussed in more detail as the discussion shifts to penal institutions and conceptualizations of race and the war on drugs where many inequities immediately present themselves and pose questions of their own.

There is a dual nature to exclusion, provided that this exclusion occurs far enough from society for them to feel separated, but close enough so that these people can serve as an example

for the rest. Dreyfus and Rabinow connect this to the notion of the lepers in the middle ages, saying they “were isolated from the inhabitants at the city, at the same time, kept close enough to be observed,” that they were “at the edge but not beyond” (3). In the same way these places of confinement which served as the “physical site of social separation and moral connection [were] not to be left unoccupied. [They were] to be filled again and again by new occupants, bearing new signs and heralding new social forms” (3) which led from the exclusion and confinement of the leper to that of the poor and mentally ill.

As focus shifted from confinement to curing these individuals, the patient began to be “seen to be responsible for his illness” and “therapeutic intervention in the form of punishments became a standard mode of treatment” (Dreyfus and Rabinow 8). Foucault writes about the way in which the asylum became “an instrument of moral uniformity and of social denunciation” which sought to “impose in a universal form, a morality” (*MC* 259).

In his work on the mentally ill, Foucault charts the evolution of the conception of “madness” as tied to “unreason,” and as a relation to uncontrolled passion and uninhibited indulgence in vice. Additionally, he charts the creation of the mentally ill and the birth of the asylum from the early days of indiscriminate confinement, one that even began with madmen being cast adrift on giant “ships of fools” to wander aimlessly on the sea. Arguably, conceptualizations of the addict with respect to mental health and treatment have grown in a similar fashion, and intersect with ideas about criminality, punishment and, increasingly, as members of a prison industrial complex. The next section will explore the place of individuals who arrested on drug charges, enemies on whom the war on drugs have been declared and who are largely victims of poverty and addiction, in the context of Foucault’s discussion on penal institutions and the nature of power applied through punishment.

With respect to the contemporary “addict,” aspects of science and social constructionism have contributed to society’s current conceptualization of what it means to be an individual addicted. *Requiem for a Dream* and *Trainspotting* are popular depictions of addictions. Reality television such as *Intervention* and *Celebrity Rehab* present other kinds of images as well. Today’s addict is usually visualized as being a strung-out celebrity, or a person sitting on a folding chair in a church basement introducing themselves and immediately identifying themselves as an alcoholic, or as having an addiction. Many people believe that all illegal drugs are incredibly addictive and will lead to a guaranteed addiction and a destroyed life. Increasingly, scientists and scholars are showing this is not the case.

Gabor Maté’s *In the Realm of Hungry Ghosts* presents another vision of the addict, those ravaged by disease and the physical strains of serious drug addiction who live with poverty, mental illness and homelessness on the streets of Vancouver’s downtown East Side. These addicts, the individuals on whom the war on drugs has drawn its target come disproportionately from minority groups, and has been previously mentioned, are comprised almost entirely by people who have been subject to terrible trauma and abuse. By and large, the celebrities with drug problems and the support-group members are not the ones being thrown in prison as part of the war on drugs, instead it is the individuals who are most vulnerable, whose lack of opportunity and immense physical pain has caused them to resort to illegal methods to continue to procure drugs and to provide them some ill-gotten relief.

At the heart of this analysis, in addition to Maté’s sympathetic vision of the addict and his plea for individuals to look deeper at the plight of the abject other in the war on drug addicts is a discussion about biological singularity and even humanity’s innate connection and quest for intoxication, according to psychopharmacologist Ronald Siegel . When one removes the

conceptualization of drug addicts as unsightly, criminal, dangerous deviants and sees the core of the human vulnerability of addiction and the ways in which drugs, which are at their most base level not a manifestation of death, devilishness and destructions but simply chemicals that replicate those found in the brains of all individuals – we can remove the stigma of drug addiction, see it for what it is, isolate its causes and start talking in terms of our singularity, not of our differences and our limits of exclusion. The following analysis seeks now to place the addict in perspective, to separate the individual from the hysteria and to contextualize them similar to attempts in this thesis to put the relationship between drug policy and racialization in its proper place, and to conceive of the addict as analogous to Foucault's madman as written about in *Madness and Civilization*. This expounds on study that sees the multi-faceted nature of drug abuse, that seeks to remove the hysteria and hype from the notion of the addict and to represent drugs in terms of a social dimension, the mental and emotional state as well as the experiences of the individual and then attempts to contextualize drugs in terms of biological and pharmacological reality. Finally, with respect to the singularity of drugs and the experience of the drug user, placing drugs in a wider, historical context seeks to establish the innate drive for intoxication as discussed by Siegel, and as evidenced widely through the animal kingdom and in the annals of recorded human history.

Maté presents addiction as a “different state of the brain” (141). He quotes Dr. Nora Volkow, the director of the *US National Institute on Drug Abuse*:

Recent brain imaging studies have revealed an underlying disruption to brain regions that are important for the normal processes of motivation, reward and inhibitory control in addicted individuals. This provides the basis for a different view: that drug addiction is a disease of the brain, and

the associated abnormal behavior is the result of dysfunction of brain tissue, just as cardiac insufficiency is a disease of the heart” (in Maté 125).

Gabor Maté seeks to establish a workable definition of addiction, and quotes a consensus statement by addiction experts in 2001, saying “addiction is a chronic *neurobiological* disease... characterized by behaviours that include one or more of the following: impaired control over drug use, compulsive use, continued use despite harm, and craving” (*Hungry Ghosts* 122)(author’s emphasis). He talks about the importance of understanding the entire “fundamental addiction process which involves “compulsion, impaired control, persistence, irritability, relapse and craving” (122).

Demonizing and ostracizing the addict fails to account for all relevant dimensions of the phenomenon of addiction. Maté advocates for a multi-level exploration of addiction, tempered by various perspectives because he writes that “addiction has biological, chemical, neurological, psychological, medical, emotional, social, political, economic and spiritual underpinnings” (124). He systematically summarizes the effects of each drug by explaining them in their natural context, and elucidating just what each one sets out to do. When we connect addiction and drug use to the natural basis of positive human experience, drugs become less the devilish menace and destroyer of lives and more a chemical replacement for certain elements in a person’s life, and while they have many inherent negative effects, none are so negative as the ongoing efforts to criminalize drug use, demonize the addict, incarcerate the disadvantaged and separate the drug-using individual from the rest of well-ordered society. This is another type of exclusion which is of interest in the Foucauldian sense because of the way in which the employment of power, war (politics) and rhetoric has caused us to go against our very biological and social nature. Declaring war on the essential operation of individual’s brains in relation with various chemicals

has in effect criminalized human nature, demonized trauma and suffering and incarcerated mental illness.

According to Maté, the underlying truth about addiction is that:

people jeopardize their lives for the sake of making the moment livable.

Nothing sways them from the habit—not illness, not the sacrifice of love and relationship, not the loss of all earthly goods, not the crushing of their dignity, not the fear of dying. The drive is that relentless (loc.545-547).

This idea of a relentless drive is taken up by psychopharmacologist Ronald K. Siegel and will be explored in more detail later in discussing the idea of the drive towards intoxication as innate in ours' and other species.

However, though the drive towards intoxication (and according to Siegel this is a broadly-reaching notion that can include anything from a cup of coffee to the hardest drugs, in the sense of altering our experience) is presented as innate, mostly due to the effect that drugs have on different areas of our brains, mimicking existing chemicals and neurotransmitters and sending various signals similar to other stimuli. While the basis for addiction exists, drugs do not always present the menace of guaranteed addiction as presented in many forms of drug propaganda.

In the same way that *Reefer Madness* scared people into believing they might become crazy and murderous in the 1930s, misconceptions persist that include thinking that drugs are so addictive that *any* use of them will lead to addiction. This is not true when presented with statistics, and many studies have indicated that in cases where the individual has a *better option*, they will, in most cases, opt to forego drug use. In this regard, the drugs by themselves are not



guaranteed to cause addiction – they can very easily create addiction in people who are predisposed and often do – but studies that look at contingency management with respect to addictions show a different pattern emerging.

In Eugene Jarecki’s documentary which served as an impetus for this study, Dr. Carl Hart was featured. Hart is a neuroscientist who is currently a professor at Columbia University in New York as well as one of the authors of the seminal textbook *Drugs, Society and Human Behavior*. In Hart’s memoir he tells the story of growing up in as an African-American in Miami. This autobiography, *High Price* largely tells Hart’s story of beating the odds, but is also meant as a way to refute many misconceptions about drugs that he has directly observed both as a member of a family that dealt with issues of drug abuse and violence and as a clinical researcher, neuroscientist and psychologist. He says early on that “knowing that someone uses a drug, even regularly, does not tell us that he or she is “addicted.” It doesn’t even mean that the person has a drug problem” (loc 243-4). He then goes on to mention that addiction is specifically observable where an individual’s addiction interferes with personal elements such as their professional, family or romantic life. He writes:

But more than 75 percent of drug users— whether they use alcohol, prescription medications, or illegal drugs— do not have this problem. Indeed , research shows repeatedly that such issues affect only 10– 25 percent of those who try even the most stigmatized drugs , like heroin and crack (loc. 249-251).

He adds that “although there are some cases of abuse, the vast majority of therapeutic users do not become addicted” (loc. 1164). He also reports that as a rule, his studies on contingency management have often revealed that individuals are not helplessly in the throes of

addiction *when* they have a *better* option for immediate gratification, he writes that “when natural rewards, such as social and sexual contact and pleasant living conditions— also known as alternative reinforcers—are available to healthy animals, they are typically preferred” (loc 1315-16). He also posits that “there is now a plethora of evidence collected in animals and humans showing that the availability of nondrug alternative reinforcers decreases drug use across a range of conditions” (loc. 1316-17). Even in terms of animals, most will make the choice to avoid drugs when presented with options they consider more palatable: “One typical study in this literature found that 94 percent of rats preferred saccharin -sweetened water to intravenous cocaine” (Hart loc. 1319-20), and “researchers found that the animals’ choice to take cocaine is reduced in proportion to the size of the food reward they are offered as an alternative” (loc. 1321).

He reports similar findings among his human subjects. He notes that “having choices makes an enormous difference, even when drugs are involved” and says that drug use isn’t always considered the most compelling alternative for individuals, and that “the choice to use depends far more on context and availability of alternatives than we have been led to believe” (loc. 1335-6). His thesis to a large section of his book is that “when people have appealing alternatives, they usually don’t choose to take drugs in a self-destructive fashion” (loc. 1341).

He does, however, explain the ways in which these misconceptions are born, telling of the not particularly exciting nonaddiction story that never gets told” and admitting: “I was in the 80– 90 percent of cocaine users who do not develop problems with the drug, the group that rarely speaks out about their experiences because they have nothing much to say about them or because they are afraid of being vilified for having taken an illegal substance” (loc. 2902-2904).

Ultimately, he writes that “it’s inappropriate to conclude that someone has a drug problem simply because they admit to illegal drug use, didn’t seem to matter. Since we tend to hear from that problematic 10– 20 percent, their experience is incorrectly regarded as the norm” (loc. 2907-2908).

Heyman’s book *Addiction: A Disorder of Choice* also examines similar findings in the domain of studies on contingency management, and says “what research shows is that everyone, including those who are called addicts, stops using drugs when the costs of continuing become too great” (loc. 12). He asserts:

Most people who use addictive drugs do not become addicted to them.

Almost everyone has had at least one alcoholic drink and a healthy percentage of the population drinks alcohol regularly, yet most people are not alcoholics. Similarly, many people have experimented with marijuana, cocaine, opiates, and stimulants, yet only a minority go on to become addicted to these drugs (loc. 303).

He says that given the biological singularity and the way that chemicals work and transfer in the brain, an important question emerges, “If experimentation with heroin can lead to heroin addiction in one person, and heroin functions in pretty much the same way in everyone’s nervous system, then why doesn’t everyone who uses heroin become a heroin addict?” (loc 307). This goes on to reveal an important psychopharmacological principle: “The behavioral effects of drugs vary as a function of the setting and the individual (loc. 309).

Maté makes a similar observation about soldiers who returned following the Vietnam war:

Along with heroin, most of these soldier addicts also used barbiturates or amphetamines or both. According to a study published in the Archives of General Psychiatry in 1975, 20 per cent of the returning enlisted men met the criteria for the diagnosis of addiction while they were in Southeast Asia, whereas before they were shipped overseas fewer than 1 per cent had been opiate addicts. The researchers were astonished to find that “after Vietnam, use of particular drugs and combinations of drugs decreased to near or even below preservice levels .” The remission rate was 95 per cent, “unheard of among narcotics addicts treated in the U.S.” (loc 2420-25).

The reality was that once soldiers returned, many of them found they did not need to use the drugs they’d previously depended on. In total, addiction rates are less alarming than drug war propagandists would have us believe:

According to a U.S. national survey, the highest rate of dependence after any use is for tobacco: 32 per cent of people who used nicotine even once went on to long-term habitual use. For alcohol, marijuana and cocaine the rate is about 15 per cent and for heroin the rate is 23 per cent. 6 Taken together, American and Canadian population surveys indicate that merely having used cocaine a number of times is associated with an addiction risk of less than 10 per cent (Mate 2430-3).

So, while there are some individuals who will become addicted after non-regular drug use, but this percentage is very low. Maté goes on to describe the reality of the ways in which drugs function in our brains, especially with respect to the neurotransmitter dopamine. Artificial shifts in these neurotransmitters begin to alter the brain’s function:

In short , drug use temporarily changes the brain's internal environment : the “high” is produced by means of a rapid chemical shift. There are also long-term consequences: chronic drug use remodels the brain's chemical structure, its anatomy and its physiological functioning. It even alters the way the genes act in the nuclei of brain cells (Maté loc. 2614).

He also notes that it's important to remember that:

None of these substances could affect us unless they worked on natural processes in the human brain and made use of the brain's innate chemical apparatus. Drugs influence and alter how we act and feel because they resemble the brain's own natural chemicals. This likeness allows them to occupy receptor sites on our cells and interact with the brain's intrinsic messenger systems (Maté loc. 2656).

Opiates affect the emotional apparatus in our brains, triggering the functions responsible for our emotional dynamics, attachment and love. Opiates are noted for their ability to numb pain and make it more bearable (loc. 2748). Cocaine works by increasing brain levels of the neurotransmitter dopamine which affects pleasure centres in the brain increasing feelings of euphoria. In fact,

There is an area in the midbrain which, when triggered, gives rise to intense feelings of elation or desire. It's called the ventral tegmental apparatus, or VTA. When researchers insert electrodes into the VTA of lab rats and the animals are given a lever that allows them to stimulate this brain centre, they'll do so to the point of exhaustion. They ignore food and pain just so they can reach the lever. Human beings may also endanger themselves in order to continue self-triggering this brain area. One human

subject stimulated himself fifteen hundred times in a three-hour period, “to a point that he was experiencing an almost overwhelming euphoria and elation , and had to be disconnected despite his vigorous protests.” (loc. 2836).

The extent to which our brains are literally wired to be receptors of these chemicals seriously raises the question of how intuitive it is to raise an all-out war on intoxicants that have existed since the beginning of time, that share inexorable connections to communities and users because, while they are addictive and can certainly be destructive, prohibition of these substances which human beings have been drawn to consume in spite of negative costs and consequences has arguably caused more trouble, division and devastation than the substances themselves.

For Ronald Siegel, the desire for human beings to seek out intoxicants that satisfy their bodily cravings and alter their existence “has so much force and persistence that it functions like a drive, just like our drives of hunger, thirst, and sex. This “fourth drive” is a natural part of our biology, creating the irrepressible demand for drugs. In a sense, the war on drugs is a war against ourselves, a denial of our very nature” (loc. 137). Siegel’s book lists many examples, a great deal of them taken from the animal kingdom, to show just how inherent our connection to drugs really is. He argues that:

[In] fulfilling the relentless drive we all have to change the way we feel, to alter our behavior and consciousness, and, yes, to intoxicate ourselves. We must recognize that intoxicants are medicines, treatments for the human condition. Then we must make them as safe and risk free and as healthy as possible (loc. 197).

And says that in the grand scheme of things “we must begin by recognizing that there is a legitimate place in our society for intoxication. Then we must join together in building new, perfectly safe intoxicants for a world that will be ready to discard the old ones like the junk they really are” (loc. 208).

So, in taking away the stigma associated with drugs as being a guaranteed addiction and, as Anslinger said, the “assassins of youth,” we can establish common cause with the addict and even the recreational drug user when we realize that we are all looking for some sort of intoxicant. While not all of us are compelled to snort a line through a 20-dollar bill, which, incidentally might already contain the drug:

by 1987, chemical studies showed that 94 percent of American paper currency was contaminated with traces of cocaine. The findings were not surprising. The fibers in currency act like a sponge, absorbing tiny particles of powders that are placed in contact with it. Since one out of every three bills in U.S. circulation is involved in cocaine transactions, and the money is often placed in suitcases or other locations shared with the drug, this contact and absorption is to be expected (Siegel loc. 5146)

We are nonetheless most likely in search of other forms of intoxicants, everything from alcohol to caffeine, some to marijuana and the list goes on from there.

When we take a deeper look at drugs we find they are simply chemicals that have been employed to work on the system already in place in our brain, and when we look at the addict we see individuals who, due to a predisposition or a contextual history of abuse and trauma, are afflicted with a disease and/or a mental health problem.

Deducing drugs to chemicals and addicts to human beings in crisis and showing the way drugs operate in our systems as a natural, biological process doesn't leave much room for overblown hyperbole and rhetoric, but these practices remain, even in light of discursive formations that have challenged regimes of truth, our society remains divided in a way in which addicts are still considered an abject enemy other in a war on drug addicts.

## Chapter Five: Fighting the New War on Drugs (1971-Present)

### 5.1 Following Nixon

Each wave of drug panic comes along with a frantic scramble to enact legislation that is supposed to make the given menace of the day go away. Musto notes that in each instance of renewed drug panic, "attitudes provoked at the time of [each drug's] restriction could be frozen into the law, and changes were difficult later on, for every change required another law formulated in a political atmosphere." Previous examples include the outlawing of opium smoking in 1909, the criminalization of cocaine and the opiates in 1914 following the Harrison act and the legislation of 1937 that set off marijuana prohibition (Musto 255). In each instance, the panic and unrest created prompted swift response and legislation and attitudes that remained long after new information was discovered or new realities were established. As such, marijuana remains illegal despite efforts at relaxing penalties that were brought about by Presidents Ford and Carter.

After Nixon's resignation in 1974, incoming president Gerald Ford came with a more relaxed outlook on this issue as a man who "simply did not share Nixon's intense anger at drug users" (257). During this time a policy paper from the Domestic Council Drug Abuse Task Force noted that "Total elimination of drug abuse is unlikely, but governmental actions can contain the



problem and limit its adverse effects” and specifically noted that "all drugs are not equally dangerous and all drug use is not equally destructive” (257-8). Following Ford’s shortened term, Jimmy Carter campaigned and won on a platform that included a relaxed response to recreational drug use, notably marijuana. In 1977, Carter called for decriminalization and said "penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself; and where they are, they should be changed. Nowhere is this more clear [sic] than in the laws against possession of marihuana in private for personal use" (Musto 261).

However, in the same way that Musto observed that attitudes about drugs of the day become frozen into the legislation and can endure for generations afterwards, efforts to reverse policy decisions depend on political maneuvering by which legislation and policy efforts live and die. While Carter was in favour of the decriminalization of drugs, a scandal involving his Director of the Office of Drug Abuse Policy, Dr. Peter Bourne emerged and cast ridicule on his administration. Dr. Bourne was found to have written several prescriptions for staff members using fictitious names and was also accused of having used cocaine. Amid these allegations, he resigned from his post. With his chief drug advisor allegedly using cocaine at a party and writing fraudulent prescriptions, the Carter administration was hard-pressed not to appear soft on drugs (Musto 263).

After Carter’s single term in office, the White House was occupied for the next 8 years by Ronald Reagan, a “President who had grown to maturity during the last era of drug intolerance” and who had the support of several vocal parents’ groups who voiced dissent to the more lenient policies of the former administrations and earlier efforts to decriminalize drugs. During this time, and due to Reagan’s uncompromising attitude towards drug use, law enforcement appropriations soared and the message that was delivered was, as Reagan’s wife

Nancy articulated: "Each of us has a responsibility to be intolerant of drug use anywhere, any time, by anybody... We must create an atmosphere of intolerance for drug use in this country" (266).

During Reagan's presidency and subsequently that of his former Vice President George H.W. Bush, the use of presidential rhetoric is essential in convincing the American people of the drug problem, and selling the need to go to war. The results, occurring concurrently with an explosion of panic regarding crack cocaine in the 80s, caused the current war on drugs to ignite like wildfire in the streets of America's cities and caused divisive rifts among class and race in the country.

## 5.2 Rhetorical Warlords: Reagan and Bush

At the time that Ronald Reagan declared his version of this ongoing war, "less than 2 percent of the American public viewed drugs as the most important issue facing the nation" (Alexander loc. 1056). Prior to becoming president, the actor Ronald Reagan starred in a film called *The Killers*. In one scene, he tells co-star Angie Dickinson she should "go back to the hotel and stay there". She tells him she doesn't want to. He says "I can fix that in a hurry," and offers her an open-handed slap square across the face. During a time when only a very low percentage of Americans were concerned with drugs, "The Gipper" said "I can fix that in a hurry" and likewise proceeded to smack the smack/drug user back into their place. Low public interest or concern in the drug war "was no deterrent to Reagan, for the drug war from the outset had little to do with public concern about drugs and much to do with public concern about race. By waging a war on drug users and dealers, Reagan made good on his promise to crack down on the racially defined "others"—the undeserving" (Alexander loc. 1060). Elwood notes that "The

absence of references to drug problems among white, suburban teenagers or affluent Republican adults fosters a perception that all is right with the world for these constituents under the paternal control of the presidency” (loc. 260).

The rhetorical construction of the War on Drugs was purchased by the American people and the president was "the nation's designated salesperson" in the policy process...As the nation's ultimate spokesman, the occupant of the Oval Office has a unique position to extend his perspectives to citizens through rhetoric (Elwood loc. 462). By invoking the war metaphor, the president summarily challenges the American people to join him in the fight against a designated other, with the outcome being either win or lose. By “dichotomizing and polarizing” the population the president presents the moral crisis as a challenge to American ideals, and they present their motives as an attempt to protect and defend the United States (loc.502).

Elwood notes that in Ronald and Nancy Reagan’s speech to the American people, they fuse their declaration of war with illness imagery to paint a picture of the disease and scourge of drugs that has crept insidiously into the national populace.

Many consider Reagan as having been *charismatic*, but not exactly eloquent yet note that he was well suited for the medium of television after having been an actor, and he was skilled at appealing to the population at large (Elwood loc. 598). Rather, Elwood points out that his persona, honed by years as an actor, had a conversational, intimate, folksy style in a way that “speaks through television in its own natural language” (loc. 603). Also of note is that in his address the word “war” is only mentioned once, however in a release *announcing* his address the word is used over six times (loc. 616).

Starting out by telling Americans that the country is a “nation united” serving the cause of freedom in the world,” he makes hyperbolic statements like “drugs are menacing our society,

they're threatening our values and undercutting our institutions. They're killing our children," he talks in overinflated terms, appealing to patriotism and American unity, saying:

drug abuse is a repudiation of everything America is. The destructiveness and human wreckage mock our heritage. Think for a moment how special it is to be an American. Can we doubt that only a divine providence placed this land, this island of freedom, here as a refuge for all those people in the world who yearn to breathe free? (loc. 603)

He explains the new drug menace of the moment, which was crack, which he calls an "uncontrolled fire". He speaks of the drug and alcohol "epidemic," employing the illness metaphor. Reagan says: "no one is safe from it, not you, not me and certainly not our children, because this has their name written all over it" (loc. 639).

During this time in the 1980s, the panic surrounding crack had exploded in the media and amongst the public. The mass-hysteria is comparable to the panics that came before it. The crack scare was no exception, but it is notable for its intensity. Reports included: "Crack is the most addictive drug known to man." Smoking the drug, it was said, produced "instantaneous addiction." "Try it once and you're hooked!" "Once you start, you can't stop!" Using crack, claimed a June 16, 1986 Newsweek story, immediately hurls the user into "an inferno of craving and despair." (Goode and Ben-Yehuda loc. 3314). In *The New Jim Crow*, Michelle Alexander notes that:

Between October 1988 and October 1989, the Washington Post alone ran 1,565 stories about the "drug scourge." Richard Harwood, the Post's ombudsmen, eventually admitted the paper had lost "a proper sense of

perspective” due to such a “hyperbole epidemic.” He said that “politicians are doing a number on people’s heads.” (loc 1118-21)

Further, Goode and Ben-Yehuda demonstrate that the reports on how widespread and universal crack use was simply aren’t true either:

In 1992, just after crack's use had peaked, only 0.6 percent of 12- to 17-year-olds, 3.2 percent of 18- to 25-year-olds, 3.3 percent of 26- to 34-year-olds, and 0.4 percent of persons age 35 and older said that they had ever used the drug - even once. Statistics on use in the past year were 0.3, 1.1, 0.9, and 0.1 percent, respectively. In other words, this "tidal wave" of use never developed. Crack never became a drug of widespread use, and most users experimented with the drug then stopped using it... going back to the 1992 National Household Drug Abuse Survey, among 18 to 25 year olds, the percentage who had at least tried crack was 7 percent of high school dropouts, 3 percent high school graduates, 1.6 percent of those with some college, and only 0.6 percent of college graduates (loc. 3355-6).

So, while the authors do not attempt to posit that the drugs are not dangerous or destructive, they do challenge the ways in which the media reports on these drugs, and note the patterns that occur with the release of each new drug. Removing the hysteria involves trying to find true, scientific statistics to temper the hysteria which allows us to look in a much more balanced way at the costs and the effects of these drugs.

Nancy Reagan spoke after her husband about a young crack baby named Paul, who needed a respirator, daily spinal taps and who had already suffered two strokes. She says:

Now you can see why drug abuse concerns every one of us, all the American family. Drugs steal away so much. They take and take, until finally every time a drug goes into a child, something else is forced out, like love and hope and trust and confidence. Drugs take away the dream from every child's heart and replace it with a nightmare, and it's time we in America stand up and replace those dreams (loc. 648)

Ironically, she talks about changing the dream in one's heart into a nightmare, very similar to the notion of the breakdown of the American Dream as discussed in this study. She encourages people to "just say no" to the "cancer" of drugs – the illness metaphor again – and to America's non drug-using children she says "open your eyes to life: to see it in the vivid colors that God gave us as a precious gift to His children, to enjoy life to the fullest, and to make it count" (loc. 662). As the First Lady, Nancy Reagan was able to function as "first mother" in a way, and alongside her husband she furthered an anti-drug agenda. Elwood recounts that it was actually Nancy's idea to further this drug agenda, and that she pressed her husband to make a joint statement and place an emphasis on drugs (Elwood loc. 989). The Reagans daughter, Patti Davis suggested that Nancy's very public crusade against drugs – and by extension President Reagan's as well had a more insidious purpose. Their daughter asserts that this emphasis on the War on Drugs was "an effort to divert attention away from the first lady's decades-long addiction to prescription tranquilizers including Dalmane, Miltown, Seconal, Valium, and Quaaludes (loc 1611). Of her own mother Patti Davis said: "[Nancy] is a woman who has trouble coping without the help of drugs...To my knowledge, she never addressed the vast numbers of people who became addicted to prescription drugs that they got, perfectly legally, from doctors" (Elwood loc.

1615). Once again the dual nature of the war on drugs is present, it depends on *who* is addicted and to what drugs.

The overblown rhetoric was quite successful. Elwood notes “the War on Drugs is one initiative that citizens accepted. It looked good in headlines, and it positively influenced public opinion ratings of Ronald and Nancy Reagan and of George Bush” (loc. 454). Reagan’s declared war continued even after he’d left office:

In August 1989, President Bush characterized drug use as “the most pressing problem facing the nation.” Shortly thereafter, a New York Times/CBS News Poll reported that 64 percent of those polled—the highest percentage ever recorded—now thought that drugs were the most significant problem in the United States. This surge of public concern did not correspond to a dramatic shift in illegal drug activity, but instead was the product of a carefully orchestrated political campaign. The level of public concern about crime and drugs was only weakly correlated with actual crime rates, but highly correlated with political initiatives, campaigns, and partisan appeals (loc. 1160).

The elder Bush was more direct with the war metaphor and dispensed with the use of a connection with illness. He used his very first public address to express his dire concerns about drug use in America. Elwood says: “Bush takes the war metaphor literally and declares war not only on drugs but also on groups of American people” (loc. 585).

While Reagan blew the trumpets of war, boldly saying:

"We Americans have never been morally neutral against any form of tyranny. Tonight we're asking no more than that we honor what we have been and what we are by standing together."

The first lady continues, "Now we go on to the next stop: making a final commitment not to tolerate drugs by anyone, anytime, anyplace. So won't you join us in this great, new national crusade?" (qtd in Elwood loc. 690)

Bush pointed the finger squarely at the American people themselves and a way that "constitutes drugs as the inanimate, pervasive, threatening Other" (loc. 736), he asks: "Who's responsible? I'll tell you straight out, everyone who uses drugs, everyone who sells drugs, and everyone who looks the other way" (loc. 745). He claims that the drug menace "is turning our cities into battle zones" where there are "playgrounds strewn with discarded hypodermic needles and crack vials" and announces \$50 million in spending for drug enforcement (loc. 749). He announces more prison expansion and signs off in a more aggressive fashion than his predecessor who focused on the "divine island of freedom" that America represents. Bush says: "there is no match for a united America, a determined America, an angry America. Our outrage unites us, brings us together behind this one plan of action, an assault on every front" (loc. 806). Financially, socially and morally, the costs were staggering:

Between 1980 and 1984, FBI antidrug funding increased from \$8 million to \$95 million. Department of Defense antidrug allocations increased from \$33 million in 1981 to \$1,042 million in 1991. During that same period, DEA antidrug spending grew from \$86 to \$1,026 million, and FBI antidrug allocations grew from \$38 to \$181 million. By contrast, funding for agencies responsible for drug treatment, prevention, and education was



dramatically reduced. The budget of the National Institute on Drug Abuse, for example, was reduced from \$274 million to \$57 million from 1981 to 1984, and antidrug funds allocated to the Department of Education were cut from \$14 million to \$3 million (Alexander loc. 1061-8).

Further, “in September 1986, with the media frenzy at full throttle, the House passed legislation that allocated \$2 billion to the antidrug crusade” (Alexander loc. 1123-6). Legislators, afraid by the drug menace continued to throw more money at the problem hoping it would go away.

Bush’s successor, a democrat named William Jefferson Clinton, a southern governor went to great lengths to be seen as tough on crime. During his presidential campaign he flew home to Arkansas to personally oversee the controversial execution of Ricky Ray Rector, a mentally impaired black man who so poorly understood that he had been sentenced to death that he asked a prison guard to save the dessert from his last meal so he could eat it the next day. Clinton, who refused to commute the sentence, said: “no one can say I’m soft on crime” (Mauer 56). As previously mentioned his reforms on welfare and social housing essentially turned the three strikes rule into a one-strike rule and created immense difficulties for inmates to reintegrate post-prison. While in office, legislation that he passed continued to increase the War on Drugs, his crime bill of 1994 included \$8 billion to build prisons, \$8.8 billion for policing, \$1.8 billion for “incarcerating illegal aliens,” a moratorium on Federal Pell Grants for education in prison and an expansion of the federal death penalty. For balance’s sake, he added \$7 billion for drug prevention programs. These trends continued as well under his successor: there was an additional 521% increase in spending on incarceration under the George H.W. Bush presidency (Mauer 47).

And in the current day, while Barack Obama has made mention of the crack/powder cocaine discrepancy but Alexander devotes an entire section in *The New Jim Crow* to the

implications of electing the first African-American president and how he is continuing policies similar to Clinton and spending more money, heading down the same road (“Obama: The Promise and the Peril” loc. 4778).

In all of my research in the war on drugs, numbers are thrown around relatively frequently. Each source says a certain amount was spent during a certain time period by a certain president and after some time it becomes impossible to trace all of the figures from all of the different sources. In the early days amounts were announced in the hundreds of thousands, then millions and now often billions. One loses track of the cost in a sea of zeroes. This is a war with very old origins, money has been continually added like fuel to an engulfing flame. The organization *Common Sense for Drug Policy* estimates that over \$800 billion has been spent between 1981 and 2008 on anti-drug efforts. In the press kit for *The House I Live In*, Jarecki estimates spending in excess of one trillion dollars, before one factors in the innumerable loss of life, of family, of dignity for millions of individuals.

For a staggering price of in excess of one trillion dollars, America has sold the dream to the warriors in the ongoing struggle against illegal drugs.

### 5.3 A Race War on Drugs

Above all, the subject of the War on Drugs can be placed at a compelling intersection of Foucault’s work which makes the application of several of his books and lectures a useful lens through which one can examine the battle that has been waged on drug addicts in terms of “race war,” not exclusively in the sense of black vs. white (though these implications are significant) but also with respect to divisions within society that have occurred in a more social constructionist sense rather than along biologically racial lines.

Foucault recounts histories of madness and of criminal punishment in both cases by illustrating a fundamental shift that occurs roughly at the same time as the rise of enlightenment thinking. Issues related to drug abuse, rehabilitation and policy have been viewed through the eyes of both a judicial issue, for which people are widely charged, incarcerated and “punished” and through a mental health and wellness lens through which people are “treated,” “counseled” and “rehabilitated”. It’s interesting that the word “rehabilitation” is used in both a penal and drug addiction treatment sense.

Both prisons and asylums for the mentally ill were conceived with a notion to separate the insane, deviant and those deemed socially undesirable from the larger population as a whole. With respect to drug prohibition and alternately, drug treatment, much of the discussion and scholarship regarding policy, law enforcement, addictions and the notion of the war on drugs can be separated into two main categories: criminal justice and mental and physical health, or the discourse of the prisoner and that of the patient.

At the intersection of these two distinct notions of the discourse of the patient and the prisoner sits the content of Foucault’s 1976 lecture series *Society Must Be Defended*. In it, he not only sets out his goals for the genealogical method of historical inquiry, as mentioned previously, but he also expounds on his ideas about war and racism as well as his inverted take on an aphorism by Clausewitz who had originally said: “War is a mere continuation of policy by other means. War is not merely a political act but also a truly political instrument, a continuation of political commerce, a carrying out of the same by other means” (qtd. in Foucault, SMBD 21n9). According to Foucault, “politics is the continuation of war by other means” (SMBD 16). He argues that politics “sanctions and reproduces the disequilibrium of forces manifested in war” and that even in a time of putative “civil peace,” the maneuverings and positioning involved

politics itself, its “clashes over or with power,” “modifications of relations of force – the shifting balance, the reversals...all these things must be interpreted as a continuation of war. And they are interpreted as so many episodes, fragmentations, and displacements of the war itself.” In this sense, even if not engaged in active combat, a society is “always writing the history of the same war, even when we are writing the history of peace and its institutions” (16).

Thus, when we speak about the idea of declaring a perpetual war on not an identifiable enemy but a state of being – the state of being addicted to drugs – it is a question of declaring an enemy based on a fleeting designation which could apply to anyone and a fluid category to which people may belong and then not belong to at a later time. Some even vacillate between addiction and recovery at several points throughout their lives.

Additionally, Foucault talks about a “philosophico-judicial” mode of discourse which was employed by philosophers for centuries and was centered on sovereignty and power as a primal right, and dealt in notions of a “pacified universality” (SMBD 53). He argues that this form of discourse was later supplanted by a contrasting “historico-judicial” framework of perpetual war, wherein “truth functions exclusively as a weapon that is used to win an exclusively partisan victory” (57). One of the aims of this thesis is taken from Foucault’s description of the genealogical method expounded earlier in this thesis, that is the idea of freeing “subjugated knowledges,” in this case, envisioning a more philosophical view of the addict as an individual which involves inverting the subject and a measure of dissociation that attempts to establish common cause with those battling addiction.

Thus the “critical junction” that Foucault’s work is able to occupy in terms of a discussion of the War on Drugs is a type of war discourse that bridges discourses about prisoners and discourses about patients. The discourse on race war and the binary nature of society as

discussed in the *Society Must be Defended* lecture series acts as a bridge and a means of explanation to describe the declaration of war and the separation of individuals with mental illness (and by extension the addict) and the separation of the prisoner from the rest of law-abiding society. Both refer to the creation of an abject other – and the addict alternates between assuming the role of the patient and that of the prisoner, in both cases they function in the capacity of an “other”.

## 5.4 Soldiers of War, Spoils of War

In the age of a never-ending war, the common philosophy on for-profit prisons seems to be “if you build it, they will come”. Prisons continue to be built and overfilled. Alexander notes that “the number of annual drug arrests more than tripled between 1980 and 2005, as drug sweeps and suspicionless stops and searches proceeded in record numbers” (loc. 1487). The police, the soldiers on the frontlines of this war in America’s cities and communities are increasingly militarized, in many instances individuals face home invasions by SWAT teams even in cases of small-level possession. According to Alexander SWAT teams are employed almost exclusively

for the purpose of conducting drug raids. Today, the most common use of SWAT teams is to serve narcotics warrants, usually with forced, unannounced entry into the home. In fact, in some jurisdictions drug warrants are served only by SWAT teams—regardless of the nature of the alleged drug crime (loc. 1536).

She notes that during the 1980s there were three thousand SWAT team deployments, thirty thousand per year by 1996 and forty thousand in 2001 (loc. 1536).

Officers often engage in questionable tactics in terms of search and seizure, “how to use a minor traffic violation as a pretext to stop someone, how to lengthen a routine traffic stop and leverage it into a search for drugs, how to obtain consent from a reluctant motorist, and how to use drug-sniffing dogs to obtain probable cause (loc 1449). She cites studies that found:

Most of these stops and searches are futile. It has been estimated that 95 percent of Pipeline stops yield no illegal drugs.<sup>26</sup> One study found that up to 99 percent of traffic stops made by federally funded narcotics task forces result in no citation and that 98 percent of task-force searches during traffic stops are discretionary searches in which the officer searches the car with the driver’s verbal “consent” but has no other legal authority to do so (loc.1465).

In this respect, officers often do not have cause, count on people to incriminate themselves in improper searches that only yield drugs in a very small percentage of cases, and essentially counts on police to “get lucky”. In terms of war the adage “to the victor go the spoils” comes to mind. Alexander recounts that the Reagan administration gave law enforcement agencies what was essentially carte blanche to keep the assets they seized in the war. Alexander recounts:

Suddenly, police departments were capable of increasing the size of their budgets, quite substantially, simply by taking the cash, cars, and homes of people suspected of drug use or sales. At the time the new rules were adopted, the law governing civil forfeiture was so heavily weighted in favor of the government that fully 80 percent of forfeitures went uncontested (loc. 1617).

According to a report commissioned by the Department of Justice, drug task forces (excluding the DEA or federal divisions) seized over \$1 billion in assets from drug offenders just between 1988 and 1992 (1624). In the front lobby of the Drug Enforcement Administration “museum and visitors center,” a chart proudly displays the seizure of assets by year in a graph where the bars are simply piles of money. Between 2008 and 2011 alone, the DEA proudly self-reports as having seized over \$3.1 Billion in what they term illegal assets. For more about my trip to the war on drugs museum please see the last section in this thesis.

To the abject enemy other in the War on Drugs whose possessions are often taken without question, one can add dispossession of property to the abridgement of their rights and disenfranchisement that occurs to an individual once they’re marked as an enemy in the ongoing war.

## 5.5 The Prison and the Rise of Mass Incarceration in the Drug War

In addition to notions of war, the wagers of war, the victims of war and the enemy, another discursive domain that is of direct relevance to an examination of the war on drugs is Foucault’s work with respect to prisons and punishment. This thesis employs genealogical method as a means of historical critique, and Foucault’s *Discipline and Punish* has been, as mentioned before, considered the preeminent example of his use of genealogy. In this book, Foucault does more than assess the “birth of the prison,” he discusses the rise of normality and normalization in the domain of punishment, the way a system of incarceration produces “judgments of normality” with a “technical prescription for a possible normalization” (*DP* 20-1).

He bills his work as “a genealogy of the present scientifico-legal complex from which the power to punish derives its bases, justifications and rules, from which it extends its effects and

by which it masks its exorbitant singularity (23). Foucault identifies three questions that he says are essentially being asked when assessing incarceration: “does the convicted person represent a danger to society? Is he susceptible to penal punishment? Is he curable or readjustable?” in assessing the extent to which the “administration of the penalty, its necessity, its usefulness, its possible effectiveness” and the attempt to decide “whether the mental hospital would be a more suitable place of confinement than the prison” (21) and lays out the rules he sought to follow when completing this study, in essence seeing “punishment as a political tactic” (23). If punishment is a political tactic, and political tactics are, as Foucault has suggested, instruments of war, the idea of punishment presented here could be seen as another facet in a war on criminals, a designation that has been conflated to include individuals with addictions and those who have committed nonviolent drug offenses. Foucault sees punishment as political and as a manifestation of power exerted upon the body of an individual. He writes that “the body is also directly involved in a political field; power relations have an immediate hold upon it; they invest it, mark it, train it, torture it, force it to carry out tasks, to perform ceremonies, to emit signs” (*DP* 25).

In his discussion on the nature of “illegalities and delinquency,” Foucault’s claim is that “prisons do not diminish the crime rate: they can be extended, multiplied or transformed, the quantity of crime and prisoners remains stable or, worse, increases” (*DP* 265). We will take this and apply it to recent statistics on the war on drugs and the for-profit prison industrial complex in the following section.

In this same section, Foucault makes various claims about prisons, and cites 19<sup>th</sup> century statistics. These points about the effects of prisons bear repeating because of the extent to which they are still valid:



First, he claims “detention causes recidivism; those leaving prison have more chance than before of going back to it; convicts are, in a very high proportion, former inmates” (265). He asserts that because of the way it’s configured, “the prison cannot fail to produce delinquents. It does so by the very type of existence that it imposes on its inmates: whether they are isolated in cells or whether they are given useless work, for which they will find no employment, it is, in any case not ‘to think of man in society; it is to create an unnatural useless and dangerous existence’” (266). Parallels are drawn between prison and slavery, and prison and race segregation and those will be expanded on in the next section. He notes that “the conditions to which the free inmates are subjected necessarily condemn them to recidivism” (267) which is very relevant today considering individuals who are released from prison find it very difficult to find a job and are, in many cases, denied from staying in public housing. And, with respect to the war on drugs and its effects on impoverished communities, Foucault’s final statement, “prison indirectly produces delinquents by throwing the inmates family into destitution” (268) perfectly describes the toll that the drug war and mass-incarceration has had on impoverished families, with the toll being even higher in communities comprised of people of colour. Foucault then turns his focus to the delinquents themselves, and zeroes in on issues of class division and socioeconomics that also persist to this day:

First of all, he reimagines the cause of crime and inverts conventional wisdom, saying “it’s not crime that alienates an individual from society, but that crime is itself due rather to the fact that one is in society as an alien, that one belongs to the ‘bastardized race’, as Target called it, to that ‘class degraded by misery whose vices stand like an invincible obstacle to the generous intentions that wish to combat it’” (276). He then gets to the core of the illusion about the notion of liberty and justice for all, saying “it would be hypocritical or naïve to believe that the law was

made for all in the name of all; that it would be more prudent to recognize that it was made for the few and that it was brought to bear upon others; that in principle it applies to all citizens, but that it is addressed principally to the most numerous and least enlightened classes...[law] does not concern everybody equally” (276). Thus, with these ideas and this framework in place, we can begin to analyze the recent developments in the war on drugs in relation to Foucault’s hypothesis that “prison has succeeded extremely well in producing delinquency” and “producing the delinquent as a pathologized subject” (277) and that above all, society has created an institution that “while punishing, does not succeed in correcting” (278). As echoed by Alexander in *The New Jim Crow*: “the prison, the reformatory and the jail have achieved only a shocking record of failure. There is overwhelming evidence that these institutions create crime rather than prevent it” (loc. 271-2).

Finally, the element that perhaps requires the most “reckoning” with respect to prisons is the truth that “after a century and a half of ‘failures’, the prison still exists, producing the same results, and there is the greatest reluctance to dispense with it” (277). These dichotomies and problems remain as part of the penal experience of individuals who are incarcerated.

Foucault published *Discipline and Punish* in 1977, having researched the rise of the prison as the predominant method of state punishment. Prior to releasing the book, he’d become politically engaged in founding an organization called the *Groupe d’Information sur les Prisons* (GIP) (Schrift 137). In February 1971, just four months shy of Nixon’s drug announcement which would make incarceration a central tactic in the fight against drugs, Foucault underscores some of his research questions and articulates the main problems with the prison that he observed during that time – problems whose origins he’d explore in his book and problems that persist today. He spoke of the problems the GIP hoped to address:

There is no one among us who is certain of escaping prison. Today less than ever. Police control is tightening on our everyday life, in city streets, and on the roads; expressing an opinion is once again an offense for foreigners and young people, and antidrug measures are increasingly arbitrary. We live in a state of “custody.” They tell us that the system of justice is overwhelmed. That is easy to see. But what if the police are the ones who have overwhelmed it? They tell us that the prisons are overcrowded. But what if the population is over-imprisoned? There is very little information published about prisons; it is one of the hidden regions of our social system, one of the dark compartments of our existence. It is our right to know. We want to know. That is why, with magistrates, lawyers, journalists, doctors and psychologists, we have created an association for information about prisons” (Eribon qtd. in Schrift 138).

Their solution would be to shine light onto this hidden institution, to release desubjugated or local knowledges about the prison – to challenge the presuppositions about prisons simply being where prisoners go, to think critically about their overcrowding and the ways in which prisons produce criminals and crime in and of themselves. In exposing these facts about the system, he said:

We propose to let people know what prisons are: who goes there, and how and why they go; what happens there; what the existence of prisoners is like and also the existence of those providing surveillance; what the buildings, food, and hygiene are like; how the inside rules, medical

supervision and workshops function; how one gets out and what it is like in our society to be someone who does get out (Eribon qtd. in Schiff 138).

Since the post-1971 incarnation of the War on Drugs – the declaration by Nixon that has been reaffirmed by each president afterwards, there has been an intense focus on spending huge amounts of money and locking up huge amounts of people, and racialization that harkens back to the early days of Reefer Madness still persists in the system. In the past forty years, the focus on drugs in law enforcement, court systems and penitentiaries has moved to the forefront. In *The New Jim Crow*, American Civil Liberties Union (ACLU) attorney Dr. Michelle Alexander gives a thorough illustration of America's prison system which involves the entire network of laws, rules, policies and customs that affect an individual both in and out of prison and post-release.

She sees in this existing structure of power a new form of caste system, and a new method of legalized segregation akin to the Jim Crow laws that allowed for the same during the first half of the 20<sup>th</sup> century, and contends “the current system of control permanently locks a huge percentage of the African American community out of the mainstream society and economy” (loc. 366-7). The reality is that even after release from prison, the incarcerated continue to bear the burden of the crime for which they have supposedly been rehabilitated. A reading of her work alongside the efforts of Marc Mauer, executive director of *The Sentencing Project*, one of America's leading criminal justice reform organizations and his book *Race to Incarcerate* can elaborate on many of the claims Foucault makes in *Discipline and Punish* and can bring these points in context in terms of 21<sup>st</sup> century prisons, and mass-incarcerations and systemic flaws that have been exacerbated by the current War on Drug Addicts. In fact:

Drug offenses alone account for two-thirds of the rise in the federal inmate population and more than half of the rise in state prisoners between 1985 and 2000. Approximately a half-

million people are in prison or jail for a drug offense today, compared to an estimated 41,100 in 1980—an increase of 1,100 percent. Drug arrests have tripled since 1980. As a result, more than 31 million people have been arrested for drug offenses since the drug war began. Nothing has contributed more to the systematic mass incarceration of people of color in the United States than the War on Drugs (Alexander loc. 1240-1247).

While the contentions surrounding these arrests are that they are largely used to target drug “kingpins” or the mass producers of illegal narcotics, four out of five charges were for possession. Additionally, arrests for marijuana possession accounted for over 80% of the growth in drug arrests in the 1990s (loc. 1244). Between 1980 and 2000, the number of people incarcerated in the United States went from 300,000 to 2 million. By the end of 2007, that number had grown to 7 million, or *one in every 31 adults* in America behind bars, on probation or paroled (loc. 1255 emphasis mine; Mauer 18). Marc Mauer estimates that there are 730 prisoners for every 100,000 citizens in the United States (3).

The increase in numbers is due in no small part to mandatory minimum sentences, and the configuration of the court systems, which Alexander argues gives a disproportionate amount of power to the prosecutor, who is able to settle most cases with plea bargains before the even go to trial – as a precursor to being found guilty by a judge who is forced by law to impose strict sentences, including as many as 5-10 years for a first-time low-level dealing or possession of crack cocaine offense as required under the Anti-Drug Abuse Act of 1986. In other countries, a similar offense may be met with only six months in prison. Further, the “three strikes” mandate built into sentencing legislation means that on one’s third offense (*any* offense at any given time in the future), he or she is automatically given life in prison (loc. 1789) much like Leandro Andrade who on his third strike in effect received a sentence of fifty years to life for stealing a

videotape (loc. 1868). Mandatory sentences entirely eliminates discretion on the part of the judge when considering whether a person's past that may include abuse, poverty or drug problems may have contributed to their illegal actions. This also means that the judge is unable to opt for rehabilitation or drug treatment instead of prison. Thus, mandatory minimum sentencing means that judges are deprived of the possibility of considering all angles of a situation to determine a just outcome (loc. 1827).

The Supreme Court has continued to uphold bizarre and draconian sentences: "forty years of imprisonment for possession and an attempt to sell 9 ounces of marijuana" and in *Harmelin v. Michigan*, where "the Court upheld a sentence of *life imprisonment* for a defendant with no prior convictions who attempted to sell 672 grams (approximately 23 ounces) of crack cocaine" (loc. 1839). It is worth noting that in criminal cases involving crack cocaine, approximately 93% of those convicted are African American, only 5% are white (loc. 2254). The court found this sentence reasonable, notwithstanding the fact that:

prior to the Drug Reform Act of 1986, the longest sentence Congress had ever imposed for possession of any drug in any amount was one year. A life sentence for a first-time drug offense is unheard of in the rest of the developed world. Even for high-end drug crimes, most countries impose sentences that are measured in months, rather than years. For example, a conviction for selling a kilogram of heroin yields a mandatory ten-year sentence in U.S. federal court, compared with six months in prison in England. Remarkably, in the United States, a life sentence is deemed perfectly appropriate for a first-time offender (loc. 1839-42, author's emphasis).

As noted previously, there was a 100:1 disparity between sentencing for crack cocaine and power cocaine even though they are chemically the same. Recent developments have changed that but the disparity hovers somewhere around 18:1 – still nowhere near just (Jarecki, Press Kit to *The House I Live In*). What of individuals who are not guilty at all? Alexander notes:

It is impossible to know for certain how many innocent drug defendants convict themselves every year by accepting a plea bargain out of fear of mandatory sentences, or how many are convicted due to lying informants and paid witnesses, but reliable estimates of the number of innocent people currently in prison tend to range from 2 percent to 5 percent. While those numbers may sound small (and probably are underestimates), they translate into thousands of innocent people who are locked up, some of whom will die in prison. In fact, if only 1 percent of America's prisoners are actually innocent of the crimes for which they have been convicted, that would mean tens of thousands of innocent people are currently languishing behind bars in the United States (loc. 1813).

In disproportionate amounts, the individuals languishing behind bars are African American. According to a 2000 *Human Rights Watch* report, in seven American States African Americans constitute 80-90 percent of the prison population. In at least fifteen states, black people are incarcerated on drug charges twenty to fifty-seven times more often than white people (Alexander loc. 1980). In 2006, 1 in every 14 black men (1 in 9 between the ages of 20 and 35) were behind bars or under some form of penal control such as probation or parole, compared to 1 in every 106 white men (loc. 2025).

Mauer notes that given today's statistics, 1 in 3 African American boys born in 2001 can

expect to spend time in prison (3) and that while African Americans account for about 13% of the American population, 21% of drug arrests in 1980 and 31% in 1992 were for African American individuals (91). The Sentencing Project website notes that

More than 60% of the people in prison are now racial and ethnic minorities. For Black males in their thirties, 1 in every 10 is in prison or jail on any given day. These trends have been intensified by the disproportionate impact of the "war on drugs," in which two-thirds of all persons in prison for drug offenses are people of color.

So, many of the issues and problems that Foucault identified in 1977's *Discipline and Punish* – which in many cases quoted observations from the 19<sup>th</sup> century, remain true. Prisons do not seem to deter offenders as rising rates of incarceration would imply. Additionally, the way in which the penal system is set up encourages recidivism by not providing any real alternatives, something that will be discussed in the next section. In fact, 30% of released prisoners are rearrested within six months of their release, and over 68% are arrested within three years (Alexander loc. 1921). Mandatory sentences and practices that force judges to be indiscriminate to circumstance (which remain very discriminate to race) keep the prisons filled, and continue the cycle of power and control in perpetuity.

In his 1969 hit, country music superstar and former incarcerated armed robber Merle Haggard lamented the realities of being a released convict. In his refrain, he sang:

I'd like to hold my head up and be proud of who I am  
but they won't let my secrets go untold.  
I paid the debt I owed them, but they're still not satisfied  
Now I'm a branded man, out in the cold.



This is the reality that individuals face after they are released from the penal system. They find that they are subject to many forms of legalized discrimination and denial of services for the rest of their lives. As noted by Foucault, this is one way in which it encourages recidivism by making it almost impossible to avoid returning to prison and to gain work, find housing or receive benefits, a form of “permanent social exclusion” (Alexander loc. 354). Alexander notes that these restrictions may apply to 80% of African American men who have a criminal record (loc. 244). This record, according to Michelle Alexander, is the guarantee of second-class citizenship comparable to the experience of African Americans under the Jim Crow segregation laws (loc. 1911). Many parolees and probationers placed under stringent restrictions find themselves headed right back to prison. An extraordinary increase in prison readmission due to parole or probation violations has coincided with the War on Drugs. In 1980 only 1% of prison admissions were for parole violators. Twenty years later, that number was close to one third (loc. 1934).

Individuals who do manage to stay out of prison face a host of challenges to find work and housing which are more often than not conditions of their parole. So, individuals are made to seek things they are purposely being prevented from obtaining in order to avoid returning to jail.

Under Jim Crow, it was legal to discriminate against a person of colour when they wanted to rent a building, and when it comes to individuals who have been released from prison, the restriction remains. Congress’ Anti-Drug Abuse Act of 1988 called for strict lease enforcement and evictions of tenants who engage in illegal activity (loc. 2874). President Bill Clinton sought to keep his tough-on-crime reputation in-tact when announcing “one Strike and You’re Out” legislation, which strengthened eviction rules and strongly urged that drug offenders be automatically excluded from public housing based on their criminal records. He

later declared, “If you break the law, you no longer have a home in public housing, one strike and you’re out” (loc. 2881-3). This called for stringent screening of anyone who had a criminal record or anyone *believed to have* a criminal record and even made it so that released felons could not stay with their family members or else they too risked eviction (loc. 2885). Similar practices are in place for when people are searching for a job or applying for benefits or education, through the “little box” on employment applications that asks if they’ve ever committed a felony.

Despite the fact that forty of fifty-one jurisdictions in the United States (including the District of Columbia) require parolees to “maintain gainful employment” many find themselves the victim of legalized discrimination (loc. 2946). Additionally, Clinton’s welfare reform legislation means that individuals who have a record for a drug-related offense are barred from receiving social assistance for life (loc. 3095).

So, in many cases the rates of recidivism exist largely because individuals face a herculean task trying to find and keep a job and a home after being released from prison. In this way, as Foucault also observed, the system continues to reinforce itself and individuals find themselves on the receiving end of mechanisms of power for their entire life, long after they’ve supposedly “paid their debt to society”.

## 5.6 Drug *Épistémés*

As discussed, the “crack-wave” of the 1980s served to justify more, and strengthened legal sanctions against drug users, culminating in a disparity of approximately 100:1 for users of crack cocaine over users of powder cocaine. The Sentencing Reform Act of 1984 and the subsequent Anti-Drug Abuse Act of 1988 established stronger penalties and mandatory

minimums and, much like the Marijuana Tax Act of 1937 and the Harrison Act in 1914, each come out of their own *épistémé*, where knowledge about drugs was forged and disseminated during a time when the nation was in a state of moral panic regarding drug hyperbole and each new moral panic cycled through the news and through society in a type of rinse-lather-repeat rotation.

By using fear and more specifically fear for the welfare of people's children, it seems that one can convince a population of the dangers of just about anything without having to give accurate statistics as to how widespread or prevalent a menace actually is. Still today, bizarre new reports emerge with shocking regularity about dangerous new practices young people are undertaking using drugs and alcohol. Young people seeking a high reportedly absorb vodka through their eyes in order to get a newer and quicker drunken sensation in what is supposedly called "vodka eyeballing" (Bates). In addition to this method, ABC News reports that children using alcohol-infused gummy-bear candies, employing alcohol-soaked tampons or even ingesting hand sanitizer to get drunk are also problems worth worrying about – these are all methods discussed in a single article about the shocking and dangerous ways in which today's youth are becoming intoxicated (Lovett and McNiff). These are also explored on a segment of the newsmagazine show *20/20* which always cautions people that what they don't know about x might kill them, and they're going to tell you more after the commercial break – further, the use of alcohol enemas or "butt-chugging" (Winkler) presents the possibility that young people might literally be getting "drunk off their asses".

Each new generation has come along with its very own pre-packaged drug menace, the dangers of which are regularly spoon-fed by the media – first the newspaper and radio, propaganda films commissioned by Anslinger – and then by the television news made worse by

the increasing pressure to fill a 24-hour news cycle. The rinse-lather-repeat cycle of moral panic, significantly driven by the media, is described to good effect in Goode and Ben-Yehuda's book:

Every new drug experience in America is handled in a stereotypical fashion by the media. Emphasis is placed on individual tales of dangerous, criminal or self-destructive behavior by the drug-crazed. The myth is newly erected and slightly embellished with each new drug, and the stories come to resemble the myths, ballads and folktales previously generated and transformed by oral transmission (Morgan and Kagan qtd. in Goode and Ben-Yehuda loc. 3291-3).

Similar hysteria would ignite over PCP, party drugs, ecstasy and methamphetamine (ignoring the fact that "methamphetamine appears in a variety of molecular disguises as prescription drugs to treat fatigue, depression, obesity, and even attention deficit disorders in children") (Siegel loc. 169).

Drug education Public Service Announcements PSAs eventually took an interesting turn in terms of their presentation of authority: knowledge about drugs no longer came pre-packaged from governmental sources that people had come to distrust, rather, it was passed on to the younger generation with the expectation that it would then be disseminated. One 1970s-era PSA shows a magician demonstrating the effects of drug to a child. The magician sells the drugs in persuasive terms, but it is the child who rebuffs each of his suggestions with a fact as to the adverse effect of each drug. In this way, there is a notable reversal of authority in the discourse, and the children – the ones who are encouraged to just say no, and the ones encouraged to be ever intolerant against the drug menace – are targeted in a bottom-up approach, in contrast to the

years of top-down discourse and enforcement that occurred in previous generations, scared parents and pushed younger generations into rebellion through drugs.

Foucault's biographer Didier Eribon describes *épistèmes* by saying

every period is characterised by an underground configuration that delineates its culture, a grid of knowledge making possible every scientific discourse, every production of statements. . . .Each science develops within the framework of an *épistème*, and therefore is linked in part with other sciences contemporary with it (qtd. in Mills 63).

Contextualizing drugs and cultural products involving drugs in terms of the dominant narrative at the time, and then viewing drugs against a timeline of shifting narratives allows one to see patterns, repetitions and differences. One can see the similarities that occur with each drug panic, but the differences that occur across generations and the results that occur in response. Comparing society's views on marijuana today at a time when legalization is beginning to occur in states such as Colorado and Washington with the views of people in a time when it was believed that marijuana would make you crazy, or at least make a person of colour believe they were as good as a white person, we can place legislation and policy choices in their given time period and see the way some ideas and practices endure even as others are abandoned.

Each drug panic is the product of its space and time and the product of paranoia and an urge to protect the younger generation and to preserve a society that "must be defended". The laws that are made in a given *épistème* do not always reflect scientific evidence or best practices for public policy. A Department of Justice report that was penned to discuss the disparity between sentencing for crack cocaine and powder cocaine, despite the fact that chemically they are the same drug, admits to as much, saying: "congress perceived crack cocaine to be at the

forefront of a national drug-abuse epidemic” and therefore “the decision to differentiate crack cocaine from powder cocaine in the penalty structure was deliberate and reflected Congress's conclusion that crack cocaine was more dangerous and associated with greater social harms than powder cocaine” (United States Dept. of Justice loc. 236-238), additionally, “in 1986, some members of Congress pushed in favor of stronger crack penalties because crack was seen as disproportionately victimizing African-Americans, particularly in urban neighborhoods” (loc. 240). Ultimately, hype and hysteria led to a punitive legislative push leading to

A five-year minimum sentence for individuals convicted of trafficking 5 grams of cocaine base [crack] or 500 grams of cocaine powder, and...a ten-year minimum sentence for individuals convicted of trafficking 50 grams of cocaine base or 5,000 grams of cocaine power. The sentencing provisions of the 1986 Act were implemented in August 1986. In 1987, the Sentencing Commission used the same 100:1 quantity ratio to set drug penalties under the Guidelines (US DOJ loc. 243).

So, because of the panic of the age, and the belief that crack cocaine was considered, perhaps, one hundred times more dangerous than powder cocaine; in whichever way one seeks to quantify danger it was then posited that, if we are to believe the Department of Justice explanation, because crack was so much more dangerous to African American communities, the solution was an all-out “crackdown”. In the aforementioned war on drugs museum, a placard contrasts *Time Magazine*’s coverage of both of these drugs by way of how they’re featured on two separate covers of the same magazine. The first, a martini glass full of white powder – with an olive garnish – says “High on Cocaine: A drug with status – and menace” – the other, a rough painted sketch of a person in great pain, with only hollow black holes for eyes says “Drugs: the

enemy within”. One is presented as an appealing cocktail, the other a horrified, agonized victim of the crack menace.

While each drug panic and each piece of legislation occurs within the limits of its own time and its own *épistémé*, the decisions that are made, the policy measures that are taken and the people who are incarcerated persist in the same state while attitudes change, society alters its views, yet these measures come to be seen as the norm or as acceptable or worse as simply the way things have always been done, until it becomes part of the social fabric, an accepted mode of operation in society and simply – the way things continue to be.

## 5.7 Sovereign Power, Biopower and Governmentality

The most foundational theme in all of Foucault’s work is perhaps the idea of shifts that occur throughout the course of history and the changes in the ways knowledge is organized across time periods. His research and writings all relate to ideas of changes in systems of thought, or *épistémés*. From large ships where madmen were cast adrift to confinement, asylums and the development of the discipline of psychology he traced the treatment of the mentally ill and the formation of the idea of madness since the renaissance in his *History of Madness/Madness and Civilization*. Shifts in perception and medicalization that allowed for the rise of hospitals and the current role of the physician were examined in *Birth of the Clinic*.

In *Discipline and Punish* and his later work on *The History of Sexuality* he began to examine ways in which power was applied to the members of a society, including sovereign power and “Biopower,” namely juxtaposing the will of a king or leader who exerted capital punishment and torture similar to a vivid account of a gory execution in the beginning of *Discipline and Punish* with the various and sometimes insidious ways in which power was

exerted over individuals or subjects in modern society, and the ways in which this power operated alongside the knowledge of those involved.

The difference between sovereign power and biopower can be described as an inversion of the role of those in power, from a sovereign who could “make die and let live” to a system that “makes live and lets die” (The European Graduate School). Foucault expounds on the ideas behind biopower in the last chapter of Volume 1 of his *History of Sexuality*. In this discussion he also relates to the idea of biopower being applied through the context of neverending war, as discussed in “*Society Must Be Defended*”. Starting with the characteristic privilege of sovereign power, which was the “right to decide life and death” (Foucault, HS1 135), he describes a direct relation of the sovereign to the people in his charge. This “power of life and death” was really the opportunity to “take life or let live,” additionally, “power in this instance was essentially a right of seizure: of things, time, bodies and ultimately life itself; it culminated in the privilege to seize hold of life in order to suppress it” (HS1 136). At the same time, the sovereign was the one who doled out punishment, in the form of incidents much like the spectacled execution of Damians the attempted regicide in the beginning of *Discipline and Punish*,

Before prison was the dominant form of punishment in societies, Foucault notes that it was only the sovereign himself who could opt to deprive people of their liberty, who could incarcerate. In *Truth and Juridical Forms*, Foucault discusses the importance of the “lettre de cachet,” which was

Not a law or decree but an order from the king that concerned a person individually, compelling him to do something. One could even force someone to marry through a *lettre de cachet*. In most cases, though, it was an instrument of punishment...one could exile someone by means of a



*lettre de cachet*, strip him of certain functions, imprison him. It was one of the major instruments of power of the absolute monarchy” (Foucault TJF 65).

*Lettres de cachet* were issued for a variety of indiscretions, and while they were considered orders from the king,

in most cases he was not the one who made the decision to send them...tens of thousands of *lettres de cachet* sent by the monarchy...were actually solicited by various individuals: husbands outraged by their wives, husbands dissatisfied with their children families wanting to get rid of an individual, religious communities disturbed by someone, parishes unhappy with their priests. (65)

So, thus people sought authorization to arrest “someone’s cheating wife, or prodigal son, or prostitute daughter or the misbehaving village priest”(65), in this way the letters became “a kind of counterpower, a power that came from below, enabling groups, communities, families or individuals to exercise power over someone” (66). Further, Foucault notes that “the *lettre de cachet* was a way of regulating the everyday morality of social life, a way for the group or groups...to provide for their own police control and ensure their own order” (66). Often issued in hopes of sanctioning “immoral conduct,” “dangerous and dissident behavior” or “labour conflicts” (66), the history of *lettres de cachet* demonstrate that at first, the practice of having someone imprisoned was not the normally accepted mode of punishment in the eighteenth century. In fact, “imprisonment was not a legal sanction in the penal system of the seventeenth and the eighteenth century. The jurists were perfectly clear in that regard: they declared that when the law punished someone, the punishment would be death...branding, banishment or

paying a fine. Imprisonment was not a penalty” (67). Instead, imprisonment “had its origin precisely in the parajudicial practice of the *lettre de cachet*, of the use of royal power for the self-regulation of groups” (67).

So, while the practice of imprisonment rose from the practice of the few imploring the sovereign to enact a penalty upon individuals in the name of the people, of the many, the origins of prohibition of alcohol and drugs started much in the same way. People who zealously thought they could solve the problems of the nation by banning these substances fought for tougher restrictions. When people who had these views began to assume positions of power, they were able to impose their will on the many, to distort the perceptions of the populace, and to declare war on inanimate objects and people who suffered from the illness of addiction, from disadvantage and largely those who were not members of same race as the legislators.

Foucault posits that now “wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone; entire populations are mobilized for the purpose of wholesale slaughter in the name of life necessity”. In this way, “power is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of population” (HS1 137). Supervision “was effected through an entire series of interventions *and regulatory controls: a bio-politics of the population..* carefully supplanted by the administration of bodies and the calculated management of life” (138-40).

Foucault also notes the ways in which the laws that are created and the policies that are enacted serve to reinforce a series of norms. Society itself seeks to normalize its population through the use of a concentrated focus on life. Foucault elucidates:

I do not mean to say that the law fades into the background or that the institutions of justice tend to disappear, but rather that the law operates

more and more as a norm, and that the judicial institution is increasingly incorporated into the continuum of apparatuses (medical and administrative, and so on) whose function are for the most part regulatory. A normalizing society is the historical outcome of a technology of power centered on life” (HS1 141).

In this way, the law is no longer interested in doling out punishment to those who have been found to have displeased the sovereign, instead, life is regulated in a way to fit norms. No longer does the sovereign “make die and allow to live,” we’re “made to live and allowed to die,” made to live in a certain fashion up until our ultimate deaths. Thus “biopower uses administrative policies, strategies and tactics instead of laws as its instrument: when it does use the law. It does so merely as a tactic” (Oksala 322).

After identifying the mechanisms by which biopower manifests itself in a society, to regulate and normalize, Foucault turned his focus towards what he called “governmentality” as a sort of portmanteau of “governmental rationality” (Gordon, *Foucault Effect* 1). Governmentality was a study by Foucault of the “conduct of conduct,” or the ways in which people and states were governed. One of his later lecture series was called *The Government of the Self and Others* where he explored this notion. On the subject of governmentality Foucault identifies “the question of defining the particular form of governing which can be applied to the state as a whole. Thus, seeking to produce a typology of forms of the art of government (“Governmentality” 91), which, for Foucault involved all aspects of “the general running of the state. To govern a state will therefore mean to apply economy, to set up an economy at the level of the entire state which means exercising towards its inhabitants, and the wealth and behavior of each and all, a form of surveillance and control as attentive as that of the head of a family over his household and his

goods” (92). He writes that by studying governmentality he means to explore “the institutions, procedures, analyses and reflections...that allow for the exercise of this very specific albeit complex form of power, which as its target population, and as its principal form of knowledge politarian economy” (102) and the ways in which the state of justice transformed into the administrative state... the ways nations became “governmentalized” (103). In his lecture series “*The Birth of Biopolitics*” Foucault discusses this notion as being

The attempt, starting from the eighteenth century, to rationalize the problems posed to governmental practice by phenomena characteristic of a set of living beings forming a population: health, hygiene, birthrate, life expectancy, race...it seemed to me that these problems were inseparable from the framework of political rationality within which they appeared and took on their intensity” (317).

For Foucault, biopolitics describes the “politicization of the life of a population” (Rasmussen 38) and the ways in which those in power are able to exert their power over people’s very lives and existence through a “technology of power distinct from both sovereignty and discipline” (38).

With its racial implications, and the ways in which the policies behind the drug war have imposed power and social control upon the population, the racism and race war tactics that persist throughout the established discourse of perpetual war, the use of racism and race war discourse as part of the established discourse of perpetual war that Foucault discussed in “*Society Must Be Defended*” could be seen as occurring at a juncture between biopower and governmentality and can explain the ways in which this discourse has functioned with respect to the War on Drugs in America.

## 5.8 “Racism” vs. “Race War Discourse”

Modern racism, in the Foucauldian sense can be seen as “not merely an irrational prejudice, a form of socio-political discrimination, or an ideological motive in a political doctrine; rather, it is a form of government designed to manage a population” (Rasmussen 34). Foucault has identified what we now conceptualize as racism as “first articulated as a discourse of social war in the 18<sup>th</sup> century” which was soon “integrated by modern state apparatuses as a technology of power...is a form of biopolitical government” (34-5). Discourse underlining the binary nature of society thus “impinges on individuals in their most basic relationship to themselves and others” and as such is “situated precisely at the intersection of biopolitics and governmentality” (35). Rasmussen sums this up:

Racism, according to Foucault, is not primarily prejudice, discrimination or ideology...Racism, on the one hand, operates within the boundaries of biopower insofar as it articulates a caesura between worthy and unworthy life; on the other hand, racism operates between different forms of power as a form of governmentality. In other words, Foucault theorizes racism as biopolitical government, as a flexible technology of power that entails a new and novel form of government” (40)

With this respect, the population becomes an “object of political intervention” and Foucault underscores the “flexibility of racism as a biopolitical mechanism that aims at the ‘purification’ of the population and as a governmental technology that juxtaposes and combines various regimes of power” (41). In the case of the War on Drugs, the division is between the addict – often the individuals who live in poverty, who occupy public housing and residents of

the urban areas of America's biggest cities – and those who do not use drugs. Those who have been made to fear drugs and those who, largely, boast an affluence that allows them to be effectively separated by the inner-city and its problems. Racism thus becomes a means through which the treatment of a population can be justified, enabled and encouraged. Stone writes that:

Racism is a necessary part of biopolitics because it allows society to take on the right to kill that once belonged to the sovereign. “In a normalizing society, race or racism is the precondition that makes killing acceptable...if the power of normalization wished to exercise the old sovereign right to kill, it must become racist” (C-SMD, 256). Racism is a kind of war waged by society on behalf of the dominant race. Its goal is the “elimination of the biological threat” of the other races (C-SMD, 263).” (Stone 366).

In an issue of *Foucault Studies* magazine devoted to issues surrounding race, Ladelle McWhorter distinguishes from the above conceptualization of “racism” and a form of “race war discourse” – a distinction that Foucault makes while noting that while one is negative, the other may be seen as a positive. McWhorter notes that “Foucault sees value in seventeenth-century English race war discourse insofar as it ‘functioned as counterhistory’” (77). Additionally, McWhorter notes that “Foucault asserts that in praising race war discourse he is not praising racism...but is a latter-day usurpation and perversion of it” (84). In this instance, race war discourse “divides a population into two warring races by highlighting differences of religion, language, custom, and material wealth and interest and tying those differences conceptually to a violent political past” (85). By contrast, “racism enables a state apparatus to wield both biopolitical and sovereign/judicial technologies of power simultaneously; it gives the state apparatus authority over both life and death (85).” Racist discourse “posits a species-wide struggle for biological existence that insists in the process on the fundamental unity of a given

population...a racist society must strengthen or heal itself...by purifying itself of what it seems its pathological and heterogeneous elements” (86). And, in terms of the dominant race, or the rest of law-abiding society, in a more foundational, almost Darwinian sense:

Criminals are throwbacks to a savage past, people whose violent and acquisitive behaviours were adaptive in previous millennia but out of place in the civilized present; they cannot be allowed to roam free in the modern world...mental impairments of all sorts are evidence of inferior genotypes, as are deviant behaviours. People who fail chronically in the capitalist economic system are biological failures as well, and charity and social welfare programs only prolong their misery and give them more opportunity to reproduce their kind and inflict themselves as burdens on the productive members of society (McWhorter 86)

Further, while race war discourse is about a counterhistory, “racism supplies a justification for death-inducing practices and criteria for identifying people subject to them”. In this way, it is a “mechanism; it *operates*” (87). In the political economy sense, these people are

Individuals who do not conform to prevailing social expectations are deviants, developmental abnormalities whose ultimate fate is one or another form of extinction. They are not a separate race in a society of many races; like normal individuals, they are members of the one single human race, but they have failed to develop the standard required for success (87).

With respect to the creation of an Other, the rhetoric of continued war provides for a means by which the enemy other can be purged from a society. Foucault says:

Racism makes it possible to establish a relationship between my life and the death of the other that is not a military or warlike relationship of confrontation, but a biological-type relationship.: ‘the more inferior species die out, the more abnormal individuals are eliminated, the fewer degenerates there will be in the species as a whole, and the more I – as species rather than as individual – can live, the stronger I will be, the more vigorous I will be. I will be able to proliferate.’ The fact that the other dies does not mean simply that I live in the sense that his death guarantees my safety; the death of the other, the death of the bad race, of the inferior race (or the degenerate, or the abnormal) is something that will make life in general healthier: healthier and purer (Foucault, SMD 255).

Racism thus serves as a “unifying mechanism”. By unifying at the level of race it “assimilates to an understanding of life as essentially biological competition...instead of oppression and injustice, we have biological inefficiency and failure to thrive. Truth is thus insulated from any history of struggle, allowing it political neutrality and universality” (McWhorter 87).

In this way, the race war discourse is discourse that pits one type of person against another, that paints addicts as people who are dragging down the rest of the healthy American population because of the scourge of drugs. Encouraging people to be intolerant against drugs, to paint drugs as an inner-city problem occurring in the housing projects and to crack down on those who are addicted to drugs with exacerbated rhetoric and draconian penalties, the addict is thus made into the abject other in a war on drugs. However, when one accounts for the ways in which these laws were developed, the misguided frenzies that caused the existing state of affairs and the biological and social truths about addictions and about drugs – it becomes fallacious to



lock up an individual for using a substance, or for being one of the many individuals who turn to drugs to escape the pain of trauma, abuse, poverty or other injury. In a governmentality sense, the governmental rationality of the war on drugs involves propagating the discourse of perpetual war, dividing individuals along lines of race, exerting a form of biopower by regulating their life – what they put into their body, medical forms of treatment for addiction – and ultimately incarcerating them. Governing through the discourse of perpetual war is a means to control and segregate the population and – if politics is a continuation of war by other means – then the war on drugs is a protracted political means to exert power, incarcerate the population disproportionately along racial lines – and ultimately declare race war against an abject enemy other whose crime is using or possessing substances that form natural biological reactions in their brains of which they’ve become physically dependent because of unfortunate circumstance.

Characteristic of his work, Foucault places a large emphasis on *power* which he defines by saying “Power is essentially that which represses. Power is that which represses nature, instincts, a class, or individuals”. He then makes the connection that “power is war, the continuation of war by other means” (15). As mentioned previously, his inverted aphorism presents the idea that *politics* is the continuation of war by any other means and he differentiates that even when we do not seem to be fighting or do not notice armed conflict we are at war, because

peace is a coded war. We are therefore at war with one another; a  
battlefront runs through the whole of society, continuously and  
permanently, and it is this battlefront that puts all of us on one side or the

other. There is no such thing as a neutral subject. We are all inevitably someone's adversary (51).

This speaks especially resoundingly to the presidential rhetoric and the sense of nationalism that is exploited therein. We sit *inevitably* in the space of a person's adversary, it takes merely some encouragement and rhetorical positioning to incite a nation to war, as has been seen in countless cases throughout history of holocaust and genocide. History has demonstrated that by presenting a portion of the population as an abject enemy "Other" and dehumanizing them, one can justify just about any atrocity as long as the propaganda and rhetoric run deep enough.

In Jarecki's documentary *The House I Live In*, the *Wire* creator and writer David Simon is very succinct in describing the War on Drugs as "a holocaust in slow motion" (Jarecki) Historian Richard L. Miller touches on this in the end of the same documentary and describes the phases of this war as links in a "chain of destruction" (Miller loc. 20). He argues that the holocaust of World War II that occurred against Jews in Germany followed a specific progression to which the War on Drugs can also be traced: Identification, Ostracism, Confiscation, Concentration and finally Annihilation (loc. 12). In a world of overblown rhetoric and associations, the recent emergence of "Godwin's Law" has caught the attention of some online debaters. Godwin's law is the principle that if you carry any discussion on long enough it will, at some point, reference Hitler. Because he has become a societal superlative for death, destruction and evilness, the creator, Mike Godwin argues that the first person to mention Hitler loses the discussion or debate (Chivers). Typically, trying to compare something to the holocaust in scope or devastation is ill-advised because *usually* it trivializes the gravity of a hugely

destructive event in human history. However, in this case it appears there are parallels to be seen in terms of the idea of war and Otherness.

For Foucault, the historical, political, ongoing war, in which “history gave us the idea that we are at war; and we wage war through history” (SMBD 172), is a race war. He qualifies racism as “quite literally, revolutionary discourse in an inverted form,” saying: “I think that racism is born at the point where the theme of racial purity replaces that of race struggle, and when counter history begins to be converted into a biological racism” (81).

In a sentence that wasn’t explicitly listed as a reference to the War on Drugs but one that fits it exquisitely well, Foucault says: “the war that is going on beneath order and peace, the war that undermines our society and divides it in a binary mode is essentially a race war.” He goes on:

at a very early stage we find the basic elements that make the war possible, and then ensure its continuation, pursuit and development: ethnic differences, differences between languages, different degrees of force, vigor, energy and violence, the differences between savagery and barbarism, the conquest and subjugation of one race by another. The social body is basically articulated around two races. It is the idea that this clash between two races runs through society from top to bottom (60).

While the War on Drugs has its own racial and classist considerations that have been discussed at length in this thesis, for Foucault, “Race War” refers to a social construction of a race that occurs from *within*, rather than individuals clearly of a different colour or ethnicity, races be sectioned off from inside a dominant group. For Foucault, this theme of “social war” could function in a situation where

The other race is basically not the race that came from elsewhere or that was, for a time, triumphant and dominant, but that it is a race that is permanently, ceaselessly infiltrating the social body, or which is rather constantly being re-created in and by the social fabric. In other words, what we see as a polarity, as a binary rift within society, is not a clash between two distinct races. It is the splitting of a single race into a superrace and a subrace...it is the reappearance, within a single race, of the past of that race. In a word, the obverse and underside of a race reappears within it (61).

This describes very well the efforts at Otherness undertaken in the War on Drugs, where even though there are disproportionate numbers of African Americans in the criminal justice system, and that for many people the war on drugs can be divided among racial lines, that's not the *only* form of race division – that the individuals who are in the throes of drugs have come to be divided into a form of subrace by use of what Foucault terms

The discourse of a battle that has to be waged not between races, but by a race that is portrayed as the one true race, the race that holds power and is *entitled to define the norm* (my emphasis) and against those who deviate from the norm, against those who pose a threat to the biological heritage...but also all those institutions within the social body which make the discourse of race struggle function as a principle of exclusion and segregation and, ultimately, as a way of normalizing society (61).

This is exactly the limits of exclusion Foucault discusses that occur in the juncture between *Madness* and *Civilization* and between the prisoner and the rest of law-abiding society.

In the extent to which both of these works discuss normalization it is in terms of the subrace and the superrace and the ways in which these repressive notions of power are being applied.

Therefore, *Society Must Be Defended* works as an extremely good tool for interpreting the War on Drugs when seen as a bridge between *Madness and Civilization* and *Discipline and Punish*.

The War on Drugs, unique and complex, is a very multi-faceted form of social warfare that is seen from many different angles: judicial, health sciences, law, policing, sociology, history, philosophy, literature – because of the universality at the heart of both war and drugs. In the same way that our brains are wired to be receptive to chemicals that act the same as the natural chemicals occurring inside our heads, societies are wired to operate in a hierarchized state, and politics is wired to operate in terms of neverending war. If drugs are a biological reality of our minds and body, war is a political reality of our society: inherent and inescapable.

## 5.9 Some Policy Alternatives to Incarceration

In the first episode of HBO's *The Wire*, Ellis Carver, a fictional police officer in Baltimore clearly states that the War on Drugs is not, in itself a war because “wars end”. Foucault's work in *Society Must Be Defended* argues that this war is a war precisely *because* it doesn't end.

Simon's show was considered to possibly be the greatest of all time (The Telegraph; Ross) due to the ways in which it portrayed the gritty underbelly of the city of Baltimore. Famed philosopher Slavoj Žižek has lectured on it (“*The Wire*: or the Clash of Civilizations in One Country”) and dedicated a chapter in his book *The Year of Dreaming Dangerously* to it, and Frederic Jameson has penned a critical article (“Realism and Utopia in the Wire”) about the show as well (Haglund). Entire university courses are regularly taught about the show itself at

institutions including Baltimore's own Johns Hopkins University and even Harvard, watching it in its entirety and writing and studying the 60 episodes of the show (CBC; The Telegraph; Chaddha and Wilson)

As a huge fan of the show, having the opportunity to travel to Washington and Baltimore this summer was an opportunity to walk in the footsteps of the characters I'd come to love and seeing the show come alive before my eyes as I visited various Baltimore landmarks was surreal. While the city's Inner Harbour is beautiful and the city exudes an undeniable "working-class" charm to it that I didn't experience in the more rigidly structured ambience of DC, the "Charm City," or "Harm City" depending on which part of it you visited – had its underprivileged areas. Areas of abandoned, boarded-up homes, the infamous open-air drug corners that David Simon wrote about in his nonfiction work *The Corner: A Year in the Life of an Inner-City Neighbourhood* showed a real contrast between the haves and the have-nots in the city.

I take the opportunity to mention *The Wire* here because I was enthralled by a storyline the show took up in its third season. Even though it represents a fictional depiction, the problematization it presents was interesting and the way in which it culminated represented the administrative nightmare surrounding the War on Drugs that occurs across jurisdictional levels and ultimately illustrated the reinforced failure that occurs on a wide scale.

In the show, the Baltimore Police Department is hard-pressed to improve their crime statistics. The city's mean streets had not seen any meaningful reduction in crime, and with it being an election year, the pressure from city hall to produce results trickled down to the unit commanders. Howard Colvin, a major, had an innovative idea. The commanding officer and the officers in his unit essentially proposed a de-facto legalization of drugs: if they set aside a section

of the city where drugs could be used and herded all of the addicts, users and dealers to this area – they pledged to turn a blind eye on the drug use. One police officer remarked that they were set to create a type of “Red Light District,” similar to that in Amsterdam. A man being arrested at the time overheard this discussion and remarked that he didn’t know anything about any “Hamsterdam” – his mishearing of the Dutch city provided this new free-zone with its name: officers, users and dealers began referring to a small section in West Baltimore as “Hamsterdam”

The results were striking. Crime began to drop dramatically, and higher-ups were questing Colvin as to what he had done. He continued stalling, not revealing his tactic but continuously stressing that he did not massage the numbers. As producer George Pelecanos said of the story arc:

“We didn’t want to push an agenda that said this was going to solve all the city’s problems.” Far from it, in fact. In constructing Hamsterdam, the writers followed the experiment to its logical, and apocalyptic, conclusion . By the end of the season, Bubbles wanders through a free zone that has turned into a Hieronymus Bosch painting: fires burning, bodies in doorways, women being raped, children running in unsupervised packs. To get the scene right, said Pelecanos, “we shot for two days straight, just to make sure everybody looked really fucking tired.” Said Burns, upon seeing the final scene, “All we did, basically, was take the walls off the houses in Baltimore. That’s the shit going on inside.” (qtd. in Martin loc. 3178)

The police officers on the show eventually relented to pressure by community organizers and allowed for clean needle exchanges and for condoms to be distributed, providing some sense of social responsibility in Hamsterdam. In summation:

Hamsterdam succeeds in generating a precipitate drop in crime statistics, offers an opportunity for aid workers to administer clean syringes and other medical care to drug addicts and sex workers, and leaves Baltimore's residential corners free of shootings, drugs, and fear (Potter and Marshall loc. 3274).

When Colvin is found out, his superiors are furious, the media descends upon the site, a candidate for mayor blasts the entire thing as having been a surrender in the war on drugs in a nod to the same type of political rhetoric that we've seen from presidents in this thesis – and even though there is a bit of uncertainty as to how it should be dealt with, because, after all these measures were effective – the police storm Hamsterdam, making it look like it was an orchestrated attempt to lure drug dealers and users – arrest many of the inhabitants and bulldoze the abandoned apartment block to the ground.

So, while the block called Hamsterdam was not a desirable place to live, it served its purpose of driving down crime and in making other areas safer. Residents were happy and the statistics were incredible. However, because of political pressure and law enforcement officials beholden to doing things the way they had always been done, the plan ended up scrapped and Hamsterdam ended up a pile of rubble. By illustrating this interesting theoretical situation and showing the fall-out, Simon allowed people to ask “what if”... what if we considered policy alternatives and what if the established narrative and the punitive tendency in the war on drugs



didn't have to be the way it had always been? Then – by destroying what they'd built – we find that our questions continue to go unanswered and the war continues to rage on.

Carl Hart notes that in Portugal all drugs have been decriminalized, law enforcement agents treat it similar to handing out a traffic ticket. The offender is then asked to sit in front of a panel that could include medical experts, psychologists and/or social workers and gauge whether or not there is an existing problem with drugs and how to best address it. In response, the rates of drug-related death have fallen as have drug use among younger people (15-24). In addition, “they don't seem to have the problem of stigmatizing, marginalizing, and incarcerating substantial proportions of their citizens for minor drug violations” (Hart loc 4382).

Cameron Duff of the Australian Drug Foundation looks at the work of Foucault, especially in regards to ethics, to analyze existing policy and drug use and suggests that instead we advocate for an *ethic of moderation* instead of prohibition. In the same way that alcohol commercials offer the instructions “please drink responsibly” as a form of disclaimer, this type of thinking is more realistic, promotes people using drugs as responsibly as possible, emphasizes harm reduction (needle sharing, clean injection sites) and promotes a moderated view of drugs, instead of prohibition which ups the stress levels of individuals and pushes their drug use further underground often to excess (Drug Use as a Practice of the Self).

While anti-drug education is critical and people should be made aware of the risks of using drugs and other efforts to reduce the *demand* of drugs should be paired with efforts to reduce the *supply* in terms of criminals, drug lords and illegal mass-trafficking of narcotics, policy that strips the hyperbole away from drugs and sees them not as even acceptable or *good* but perhaps as a necessary evil for those who will partake (because prohibition has been an

incredibly unfortunate experiment) we could hope to focus on the realities and directly assist those who require assistance.

Contextualizing drugs differently allows us to see them in a less hyperbolized, sensationalist fashion and in turn see the addict in the same way. As previously discussed, Foucault argued that he only followed one principle of method, saying: 'I removed from things the illusion they produce to protect themselves from us, and I left them the part that they concede us'. In this same way we can take away the efforts of society to protect us from the drug menace and start to put things back together in their proper place.

## Conclusion: Monuments to a Fallacious War

After spending more than a year buried in the products of the drug war and the work of Michel Foucault, the opportunity to visit Washington DC and Baltimore allowed me to contextualize this thesis even as I was wrapping it up. Walking, biking and driving through the American capital while visiting its larger-than-life monuments and war memorials was an incredible experience. A friendly and knowledgeable park ranger who took us through the Franklin Delano Roosevelt Memorial spoke of the efforts that go into building monuments: beginning with special interest groups lobbying for a memorial to be built, securing the land, having the effort passed through congress, battling over designs, and finally building it.

The city is filled with monuments to presidents: a large stone obelisk to George Washington, and columned temples to Jefferson and Lincoln with enormous statues of the statesmen, as well as grandiose memorial statues, a controversial wall of names of individuals who perished in the Vietnam War – which the park ranger stressed was called the *Vietnam Veterans Memorial* due to controversy when it was built about building a monument to a war many considered the United States having lost, yet still resolving to build a monument to recognizing those who had fallen. The Smithsonian Museum of American History has an exhibit room dedicated to a giant American Flag that Francis Scott Key apparently looked at when he wrote the Star Spangled Banner – the flag he saw flying over the city of Baltimore told him that the British had failed to take the city and he wrote the song that would become the new nation's national anthem.

In a city filled with monuments and memorials of war, those who died, those who triumphed and those who led the efforts as commander and chief – and even those who wrote songs about it – it’s safe to say that in America, especially in its capital – war is kind of a big deal.

Across the river in Pentagon City, Virginia adjacent to the headquarters and nerve center of the United States Armed Forces – the eponymous Pentagon – the complex of tall marble buildings that make up the Drug Enforcement Administration offers a section that’s open to the public: *The DEA Visitor’s Centre and Museum*. It’s a museum to commemorate the war on drugs.

From the point of view of someone opposed to the drug war, visiting this place is akin to going down a rabbit hole or to go through the looking glass – as Carroll might say. Seeing the exhibit about the history of the war was like seeing this thesis come to life – complementary portrayals of Anslinger, discussions about drug use and the counterculture including the Beat Generation stalwarts Kerouac, Burroughs and Ginsberg and TV screens with anti-drug commercials and snippets of Nancy Reagan talking all conveyed a message: the war on drugs was to be celebrated, was heroic, and was the answer to drug abuse.

A wall of individuals, some who look like they belonged in the band The Village People, stares back at you under the title WHO IS AFFECTED BY DRUGS? At the end, a person-sized mirror stands in for the last person in the line-up. A sign notifies you that YOU too, are indeed affected by drugs. Placards on the wall describe what each person is. “Police Officer” is next to the police officer, and similarly each other individual is labelled. Flipping up the placard presents a thought-provoking question: “How would you feel if a police officer used drugs?” “How would

you feel if a pilot used drugs?” “A teacher?” Most incomprehensible was a young woman with a disability, labelled “Person in Wheelchair” as though this was her occupation. The placard asked how you would feel if drugs made you injured and you ended up in a wheelchair. There was also a placard for a dog, asking how one would feel if a dog used drugs.

This is reminiscent of a letter the current DEA chief released in April 2014 after Colorado and Washington State voted to legalize marijuana. Michele Leonhart, the chief of the DEA, pointed to stories about dogs that had been hospitalized or died after being exposed to marijuana or eating it. “The USA Today article noted, however, that on its own “marijuana itself isn't particularly harmful to dogs,” and that dogs typically won't eat marijuana by itself...The story referenced a 2012 study that found that two dogs who ate large amounts of marijuana-infused butter died, out of a sample of 125 dogs that were believed to have ingested marijuana” (Reilly). One must now add “because it might injure or kill your dog” to reasons for keeping marijuana illegal, alongside “it will make you crazy and send you into a murderous rage,” “it’ll make you a lazy, complicit communist” and the always charming “it’ll make black men think they’re as good as white men” or make women have sexual relations with men of different races.

One wall in the museum unfolds as a chronological history of the war on drugs, noting many of the eras and notions I discuss in this thesis. When one arrives at the section of the 1960s-1970s, a placard reads:

By the 1960s, a great majority of Americans had forgotten the lessons of the first drug epidemic. Moreover, the new Bohemians, Beat literary types, were sending a very different and powerful cultural message: drugs and altered states were part of being hip, social rebels.

Furthermore, this generation is described as having to “re-learn the painful consequences of rampant drug abuse”. They thus justify their war by underscoring the need to “teach those kids a lesson”. Thus continuing the work of Anslinger, Nixon and the drug warlords that have come after them.

Finally, the ultimate monument in this war is the Wall of Honour – introduced on the video screen by George H.W. Bush – that memorializes all of the DEA personnel killed in the line of duty fighting the drug menace. Some were killed while investigating drug traffickers, others on operations in other countries. In one instance, about eight people were killed when the building they were in collapsed due to poor structural integrity. Without disrespecting the memory of the deceased, packaging these people in as brave warriors in the war on drugs seems slightly disingenuous when one considers it was the poor condition of the DEA’s own office building that led to their demise.

When you’re finished reviewing drug war history you have the opportunity to ‘exit through the gift shop’ where you can buy DEA lanyards, mugs or even a pin commemorating the 40<sup>th</sup> anniversary of the war on drugs (since Nixon’s war, at any rate).

What was striking visiting the museum was that the drug war *épistémés* seemed to be all presented alongside each other in a form of celebration. Drug war propaganda was on display, the history of efforts of quelling the drug menace unfolded across the walls and in the exhibits and the items that one could buy celebrated the efforts of the DEA and explained exactly why the drug war has been allowed to continue and why it likely won’t be easily dismantled: it’s still presented largely as a cause celebre in America’s culture. As long as you can still go and buy a

pin celebrating 40 years of it and see the valour and sacrifice of these brave agents spoon-fed to you like every other drug panic and war propaganda film – the war will rage on.

Foucault provides a valuable means to critique and dismantle this drug war by allowing a critical means to explore it in its historical context – to see the attitudes and ideas as products of their time but also to account for their impact on today's age as well. Finally, understanding how this war functions as, above all, a race war wherein the addict is cast as an abject enemy other in a fallacious war on a noun – we can understand the drug war – even if we can't say with any certainty when things are going to change – many are now taking the first step in desubjugating the knowledge about the war and its racist, classist themes and critically panning its efficacy. One can only hope that as individuals continue to explore the war on drugs and continue not to find the answers it proposes to provide – that incremental change will make a difference in the lives of people who are addicted to drugs – and those who have been too harshly or even wrongfully imprisoned.

In the afterword of his futuristic dystopian novel *A Scanner Darkly* about an American in which the drug war has been lost, author Philip K. Dick memorializes the victims of the war in a different, more somber way, while attempting to account for the how and why of drug abuse, saying:

This has been a novel about some people who were punished entirely too much for what they did. They wanted to have a good time, but they were like children playing in the street; they could see one after another of them being killed— run over, maimed, destroyed— but they continued to play anyhow... For a while I myself was one of these children playing in the

street; I was, like the rest of them, trying to play instead of being grown up, and I was punished...Drug misuse is not a disease, it is a decision, like the decision to step out in front of a moving car. You would call that not a disease but an error in judgment. When a bunch of people begin to do it, it is a social error, a life-style. In this particular lifestyle the motto is "Be happy now because tomorrow you are dying," but the dying begins almost at once, and the happiness is a memory. It is, then, only a speeding up, an intensifying, of the ordinary human existence. It is not different from your life-style, it is only faster. It all takes place in days or weeks or months instead of years. "Take the cash and let the credit go," as Villon said in 1460. But that is a mistake if the cash is a penny and the credit a whole lifetime. There is no moral in this novel; it is not bourgeois; it does not say they were wrong to play when they should have toiled; it just tells what the consequences were.

He accounts for his own place in his novel, saying:

I myself, I am not a character in this novel; I am the novel. So, though, was our entire nation at this time. This novel is about more people than I knew personally. Some we all read about in the newspapers. It was, this sitting around with our buddies and bullshitting while making tape recordings, the bad decision of the decade, the sixties, both in and out of the establishment. And nature cracked down on us. We were forced to stop by things dreadful. If there was any "sin," it was that these people wanted



to keep on having a good time forever, and were punished for that, but, as I say, I feel that, if so, the punishment was far too great (loc. 3709-3711).

In the same way, this thesis hopes to tell the story of people who were punished entirely too harshly for what they did – first by the ravages of their addiction, by social and socioeconomic pressures, the throes of poverty and finally the realities of the prison industrial complex. It remains my hope that thinking about things differently can be the first step towards taking different approaches – and yielding different – and more positive – results.

Foucault's work represents a compelling way to analyze the war on drugs and as a lens to see the ways in which the dominant narratives within a given time period or episteme endure even as the epistemes change. In an interview published in *Power/Knowledge* called "Questions of Geography," Foucault says:

'If one or two of these "gadgets" of approach or method that I've tried to employ with psychiatry, the penal system or natural history can be of service to you, then I shall be delighted. If you find the need to transform my tools or use others then show me what they are, because it may be of benefit to me (PK 174).

This thesis used many of Foucault's tools: discourse analysis, modes of genealogical historical critique and notions developed in his archaeology of madness and genealogy of punishment, along with his ideas about politics and war as a technology of power – with respect to biopower and governmentality – with a goal of performing the subversive functions of effective history – dealing in disruptive parody by subverting the myths that gave rise to prohibition and by

exploring the ways in which drug literature such as Thompson's *Fear and Loathing in Las Vegas* and Selby's *Requiem for a Dream* disrupt and parody the American Dream. In addition, by undermining a given subject (the addict) and challenging the reader to associate with the "other" in this war on drug addicts, we can thus use Foucault's observations on discourse to recognize the similarities between the War on Drugs and Foucault's model of a race war, we can "desubjugate knowledges" about the true motives behind drug prohibition and the racial considerations that lie below the surface and finally, we seek to perform the one purpose Foucault identifies as critical to his method when he said in *The History of Madness*: "I removed from things the illusion they produce to protect themselves from us, and I left them the part that they concede us" (loc. 598). Using an array of Foucault's critical tools, taken from no less than thirteen books, articles, lectures and interviews represents a novel approach to the War on Drugs allowing for new insight to be gained, and provides for new explanations as to the true machinations and motives for a generations-old war that can begin to be uncovered.

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